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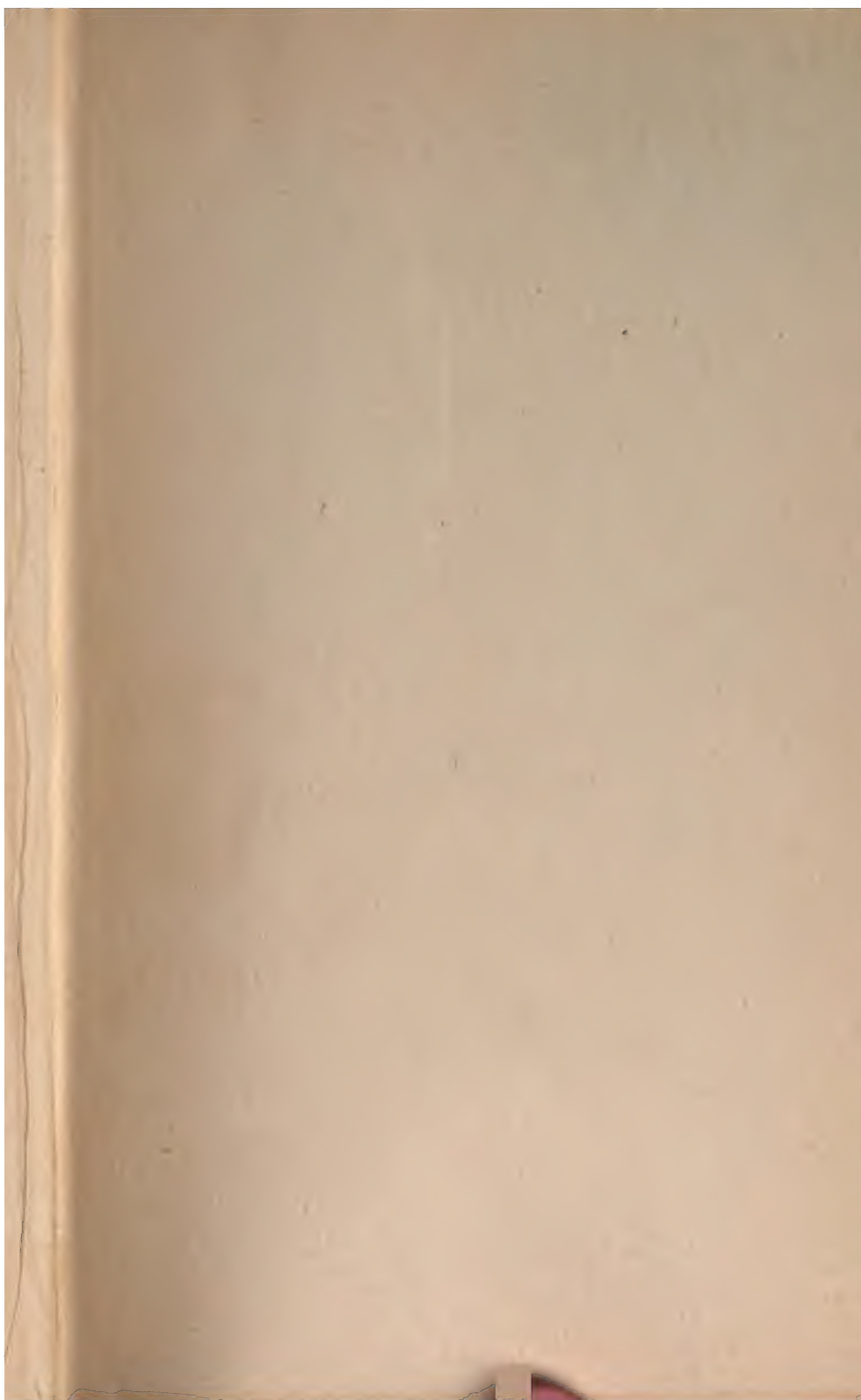
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ANNUAL REPORT  
OF THE  
STATE BOARD OF CHARITIES  
FOR THE YEAR 1905

IN THREE VOLUMES  
WITH STATISTICAL APPENDIX TO VOLUME ONE BOUND SEPARATELY

VOLUME THREE

This volume contains the constitutional provisions and the laws which have relation to the work of the State Board of Charities, and the rules and by-laws of the Board.

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TRANSMITTED TO THE LEGISLATURE FEBRUARY 12, 1906

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**CONSTITUTIONAL PROVISIONS AND THE LAWS WHICH HAVE RELATION  
TO THE WORK OF THE STATE BOARD OF CHARITIES;  
AND THE RULES AND THE BY-LAWS  
OF THE BOARD.**

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## THE STATE BOARD OF CHARITIES.\*

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By Article VIII of the Constitution of the State of New York, adopted in 1894, the State Board of Charities, created in 1867, became a constitutional body January 1, 1895. Such Constitution provides that the Board shall visit and inspect all institutions, whether State, county, municipal, incorporated or not incorporated, which are of a charitable, eleemosynary, correctional or reformatory character, including institutions for epileptics and idiots, and all reformatories (save those in which adult males convicted of felony, shall be confined), and excepting institutions for the care and treatment of the insane, and for the detention of adults charged with or convicted of crime, or detained as witnesses and debtors.

The Constitution also provides that the members of the Board shall be appointed by the Governor, by and with the advice and consent of the Senate, and all existing laws relating to institutions above mentioned, and to their supervision and inspection, in so far as such laws are not inconsistent with the provisions of the Constitution, shall remain in force, and that the Legislature may confer upon the Board any additional powers. It further provides that while payments by counties, cities, towns and villages to charitable, eleemosynary, correctional or reformatory institutions, wholly or partly under private control, for care, support and maintenance, may be authorized but shall not be required by the Legislature, no such payments shall be made for any such inmate of such institution who is not received and retained therein pursuant to rules established by the State Board of Charities.

The Commissioners comprising the Board are twelve in number, and are appointed for the term of eight years, one from each judicial district of the State, one additional member from the county of Kings, and three additional members from the county of New York. The Commissioners are required to reside in the districts from which they are respectively appointed, and no Commissioner can act as such while a trustee, director or other administrative officer of any of the institutions subject to the visitation and inspection of the Board.

The principal duties of the Board are to visit, inspect and maintain a general supervision of all institutions, societies, or associations which are of a charitable, eleemosynary, correctional or reformatory character, whether State or municipal, incorporated or not incorporated, made subject to its jurisdiction by the Constitution and the statutes. Other duties are to frame rules for the reception and retention of inmates and to approve or disapprove the organization and incorporation of all institutions which are or shall be subject to the supervision and inspection of the Board.

The chief officers of the Board are a President and a Vice-President, elected annually from its members.

Each Commissioner receives as compensation ten dollars for each day's attendance at meetings of the Board or any of its committees, not to exceed \$500 in a year to any commissioner, and is also paid his expenses while engaged, and his outlay for any aid or assistance rendered, in the performance of his duties. The Board is required to report to the Legislature annually. The seal of the office is the Arms of the State surrounded by the inscription, "State of New York — The State Board of Charities."

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\* From the Legislative Manual of 1906.

THE COMMISSIONERS AND OFFICERS  
OF THE  
State Board of Charities  
1906.

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COMMISSIONERS APPOINTED BY THE GOVERNOR. NAMES AND  
RESIDENCES.

*First Judicial District.*—WILLIAM R. STEWART, 31 Nassau street, New York City.

*New York County.*—STEPHEN SMITH, M. D., 300 Central Park, West, New York City.

*New York County.*—ANNIE G. DE PEYSTER, 101 West Eighty-first street, New York City.

*New York County.*—MICHAEL J. SCANLAN, 51 Chambers street, New York City.

*Second Judicial District.*—AUGUSTUS FLOYD, Mastic, Moriches P. O.

*Kings County.*—JOHN NOTMAN, 136 Joralemon street, Brooklyn.

*Third Judicial District.*—SIMON W. ROSENDALE, 57 State street, Albany.

*Fourth Judicial District.*—WILLIAM R. REMINGTON, Canton, St. Lawrence county.

*Fifth Judicial District.*—DENNIS MCCARTHY, 219 South Salina street, Syracuse.

*Sixth Judicial District.*—RALPH W. THOMAS, Hamilton, Madison county.

*Seventh Judicial District.*—ENOCH VINE STODDARD, M. D., 62 State street, Rochester.

*Eighth Judicial District.*—WILLIAM H. GRATWICK, 814 Fidelity Trust Building, Buffalo.



**STATE BOARD OF CHARITIES.****OFFICERS.**

**ENOCH VINE STODDARD, M. D., President.**

**STEPHEN SMITH, M. D., Vice-President.**

**ROBERT W. HILL, Acting Secretary.**

**ROBERT W. HILL, Superintendent of State and Alien Poor.**

**CYRUS C. LATHROP, Acting Superintendent of Inspection.**

**GENERAL OFFICES OF THE BOARD.**

**THE CAPITOL, Albany, N. Y.**

**Hours: 9 A. M. to 5 P. M. On Saturdays to 12 M.**

**ROBERT W. HILL, Acting Secretary.**

The Secretary has general supervision of the employees of the Board and of all branches of the Board's work.

**EMPLOYEES OF THE GENERAL OFFICE.**

**WELLINGTON D. IVES, Chief Clerk.**

**ELLEN L. TENNEY, Statistician.**

**WILLIAM C. HINCKLEY, Stenographer.**

**CLARA M. PAQUET, Clerk.**

**GEORGE C. DANIELS, Clerk.**

**DEPARTMENT OF STATE AND ALIEN POOR.**

This department has supervision of the State, Alien and Indian dependent classes, and performs the duties required by law or prescribed by the Board for their final care and settlement; it is also charged with the inspection of the State charitable and reformatory institutions, the almshouses and other municipal institutions which report to the Board, and the foster homes of children placed out in families.

**ROBERT W. HILL, Superintendent, The Capitol, Albany, N. Y.**

**HENRY M. LECHTRECKER, Inspector of State Institutions,  
The Capitol, Albany, N. Y.**

**CYRUS C. LATHROP, Inspector of Almshouses, The Capitol,  
Albany, N. Y.**

**WILLIAM C. ROGERS, Inspector of Almshouses, The Capitol,  
Albany, N. Y.**

**MARY E. WALSH, Inspector of Children Placed Out, The  
Capitol, Albany, N. Y.**

CHARLES K. BLATCHLY, Inspector, 287 Fourth avenue, New York City.

JACOB H. MANN, Transfer Agent, Department of State and Alien Poor, New York City Home for the Aged and Infirm, Blackwell's Island, New York City.

SEWARD WIKOFF, Transfer Agent, Department of State and Alien Poor, 241 Terrace, Buffalo, N. Y.

ANNA MITCHELL, Stenographer.

PHOEBE M. SMITH, Stenographer.

DEPARTMENT OF INSPECTION.

This department has charge of the visitation and inspection of all institutions, societies or associations which are of a charitable, eleemosynary, correctional or reformatory character, excepting state and municipal institutions and those having the custody of State, Alien and Indian poor.

CYRUS C. LATHROP, Acting Superintendent of Inspection, The Capitol, Albany, N. Y.

L. ELIZABETH THACHER, Clerk.

LEOLA E. TERNAN, Stenographer.

FANNIE G. SCHLESINGER, Junior Clerk.

EASTERN INSPECTION DISTRICT.

Office, 287 Fourth avenue, New York City.

Hours: 9 A. M. to 5 P. M. On Saturdays to 12 M.

JOHN B. PREST, Acting Superintendent.

RICHARD W. WALLACE, Inspector.

CLARENCE E. FORD, Inspector.

MINNIE B. WADE, Inspector.

ALICE M. KAUTZ.

KATE F. CAHILL, Stenographer.

HARRY M. HIRSCH, Page.

WESTERN INSPECTION DISTRICT.

Office, 853 Powers Building, Rochester, N. Y.

Hours: 9 A. M. to 5 P. M. On Saturdays to 12 M.

WILLIS L. WEEDEN, Superintendent.

MARY MACARTHUR, Stenographer.

## EXTRACTS FROM THE CONSTITUTION

Of the State of New York Relating to the State Board of Charities.

### ARTICLE VIII.

§ 11. The legislature shall provide for a state board of charities, which shall visit and inspect all institutions, whether state, county, municipal, incorporated or not incorporated, which are of a charitable, eleemosynary, correctional or reformatory character, excepting only such institutions as are hereby made subject to the visitation and inspection of either of the commissions hereinafter mentioned, but including all reformatories except those in which adult males convicted of felony shall be confined; a state commission in lunacy, which shall visit and inspect all institutions, either public or private, used for the care and treatment of the insane (not including institutions for epileptics or idiots); a state commission of prisons which shall visit and inspect all institutions used for the detention of sane adults charged with or convicted of crime, or detained as witnesses or debtors.

1. CORPORATIONS — WHEN CHARITABLE IN NATURE — CAPACITY TO TAKE CHARITABLE GIFTS. The capacity of a corporation to take and administer charitable gifts does not imply that the corporation must necessarily be of a charitable nature.

2. EXEMPTION FROM TAXATION AS INDICATION OF CHARITABLE NATURE OF CORPORATION. The exemption from taxation given by chapter 553 of the Laws of 1890 to societies for the prevention of cruelty to children does not show that the New York Society for the Prevention of Cruelty to Children is of the class designated as charitable, since charitable institutions were already exempt, and the statute was not necessary if this corporation belonged to that class, and, moreover, exemption from taxation is a privilege frequently conferred by the legislature upon corporations with no charitable features whatever.

3. CORPORATION RECEIVING MONEY FROM CITY TREASURY. In receiving and disbursing the money which is annually given from the city treasury to the New York Society for the Prevention of Cruelty to Children that corporation does not receive or administer any charity, but only takes an allowance from the city for doing work that otherwise would devolve upon the police department.

4. **NEW YORK SOCIETY FOR THE PREVENTION OF CRUELTY TO CHILDREN — PURPOSE AND CHARACTER OF — NOT SUBJECT TO VISITATION BY STATE BOARD OF CHARITIES.** The New York Society for the Prevention of Cruelty to Children, organized under chapter 130 of the Laws of 1875, for the prevention of cruelty to children and the enforcement by all lawful means of the laws relating to or in any wise affecting children, is not a charitable institution within the scope of sections 11 to 14 of article 8 of the Constitution, chapter 771 of the Laws of 1895 and chapter 546 of the Laws of 1896, giving to the State Board of Charities the right of visitation with respect to all charitable institutions, since it receives no public money for charitable uses and administers no charity in any legal sense, but exists for the sole purpose of enforcing the criminal laws to prevent cruelty to children, although the corporation, as a mere incident of its work, feeds, clothes and cares for children temporarily while detained as witnesses or victims of cruelty pending the prosecution of the offenders in the courts.

5. **STATE SUPERVISION OF CHARITABLE INSTITUTIONS — EXTENT OF.** The scheme of state supervision of charitable institutions under the Constitution and statutes was not intended to apply to every institution engaged in some good or commendable work for the relief of humanity from some of the various ills with which it is afflicted, but only to those corporations, public or private, maintained in whole or in part by the state, or some of its political divisions, through which charity, as such, is dispensed by public authority to those having a claim upon the generosity or bounty of the state. *Court of Appeals, January, 1900, People ex rel. State Board of Charities v. New York Society for Prevention of Cruelty to Children*, 161 N. Y. 233 (42 App. Div. 83, reversed).

1. **CORPORATIONS, WHEN CHARITABLE.** A charitable institution, within the meaning of sections 11 to 14 of article 8 of the Constitution, chapter 771 of the Laws of 1895, and chapter 546 of the Laws of 1896, giving to the State Board of Charities the right of visitation with respect to all charitable institutions, is one that in some form or to some extent receives public money for the support and maintenance of indigent persons, and by public money is meant money raised by taxation not only in the State at large, but in any city, county or town. *Court of Appeals, April, 1900, People ex rel. State Board of Charities v. The New York Society for the Prevention of Cruelty to Children*, 162 N. Y. 429.

2. **PRIVATE CHARITABLE INSTITUTION NOT SUBJECT TO STATE INSPECTION.** A purely private institution, which, without any compensation from the public, cares for or maintains indigent adults or children who voluntarily seek it as a home, or who remain there voluntarily, is not subject to State inspection or regulation. *Id.*

In that case (161 N. Y. 233) the only question before the court was whether the defendant (the New York Society for the Prevention of Cruelty to Children) was an institution of "charitable, eleemosynary, correctional or reformatory" character within the nomenclature of section 11, article VIII of the Constitution, and, therefore, subject to the visitation of the State Board of Charities, a question not at all involved in this case. *Court of Appeals, February, 1901, Fox v. Mohawk and Hudson River Humane Society*, 165 N. Y. 517.

§ 12. The members of the said board and of the said commissions shall be appointed by the governor, by and with the advice and consent of the senate; and any member may be removed from office by the governor for cause, an opportunity having been given him to be heard in his defense.

§ 13. Existing laws relating to institutions referred to in the foregoing sections and to their supervision and inspection, in so far as such laws are not inconsistent with the provisions of the constitution, shall remain in force until amended or repealed by the legislature. The visitation and inspection herein provided for, shall not be exclusive of other visitation and inspection now authorized by law.

§ 14. Nothing in this constitution contained shall prevent the legislature from making such provision for the education and support of the blind, the deaf and dumb, and juvenile delinquents, as to it may seem proper; or prevent any county, city, town or village from providing for the care, support, maintenance and secular education of inmates of orphan asylums, homes for dependent children or correctional institutions, whether under public or private control. Payments by counties, cities, towns and villages to charitable, eleemosynary, correctional and reformatory institutions, wholly or partly under private control, for care, support and maintenance, may be authorized, but shall not be required by the legislature. No such payments shall be made for any inmate of such institutions who is not received and retained therein pursuant to rules established by the state board of charities. Such rules shall be subject to the control of the legislature by general laws.

PRIVATE CHARITABLE INSTITUTIONS — EFFECT OF NEW CONSTITUTION UPON STATUTORY LOCAL AID FROM PUBLIC MONEYS. The Constitution of 1894 did not of itself annul and render inoperative mandatory provisions in existing statutes requiring the payment by localities of public moneys to private charitable institutions, by force of the new provision (art. 8, § 14), that such payments "may be authorized, but shall not be required by the Legislature;" but its effect was to leave such statutory provisions in force until superseded by subsequent legislation. *Court of Appeals, April, 1897, People ex rel. The Inebriates' Home for Kings County v. The Comptroller of the City of Brooklyn*, 152 N. Y. 399.

LIMITATION ON FUTURE LEGISLATION. The above provision of the Constitution is a mere limitation on future legislative action, and was not intended to forbid the operation of existing laws. *Id.*

NON-ABROGATION OF ADMINISTRATIVE DUTY OF PAYMENT OF PUBLIC MONEYS PRIVATE CHARITABLE INSTITUTION. The above provision of the Constitu-

tion did not abrogate the purely administrative duty imposed upon the comptroller of the city of Brooklyn by chapter 169, Laws of 1877, of paying a portion of the excise moneys to the Inebriates' Home for Kings County, a private charitable and reformatory institution. *Id.*

**REQUIREMENT OF COMPLIANCE WITH RULES OF STATE BOARD OF CHARITIES.** The new provision of the Constitution of 1894 (art. 8, § 14), that no payments of public moneys by localities to private charitable institutions shall be made for any inmate who is not received and retained "pursuant to rules established by the State Board of Charities," operated presently, so that from the time rules should be established by the State Board on the subject, no payments would be justified for inmates received or retained, in contravention of the rules of the board. *Id.*

**FAILURE OF PRIVATE CHARITABLE INSTITUTIONS TO EARN PUBLIC MONEYS.** The courts will not compel the payment to a private charitable institution of public moneys authorized to be paid only for the current support of inmates during the period when the fund accrued, where it appears that the institution had to a great extent ceased its operations and had not, except to a limited extent, performed the service which was the consideration of the payment to be made out of the public funds. *Id.*

*People ex rel. Inebriates' Home v. Comptroller* (11 App. Div. 114), affirmed.

**CHARITABLE INSTITUTIONS — SUPERVISION OF STATE BOARD OF CHARITIES.** It is not necessary that an institution should be wholly charitable to fall within the provisions of the Constitution (art. 8, §§ 11-15) and the statutes (L. 1895, chaps. 754, 771) placing charitable institutions under the supervision and rules of the State Board of Charities. It is enough if the institution is partly charitable in its character and purpose. *Court of Appeals, October, 1897, People ex rel. the New York Institution for the Blind v. Fitch, Comptroller of the City of New York*, 154 N. Y. 14.

**EDUCATIONAL AND CHARITABLE INSTITUTION.** The mere fact that an institution is partly educational does not exclude it from the provisions of the Constitution and statutes placing charitable institutions under the supervision and rules of the State Board of Charities. If an institution is both educational and charitable, it falls within those provisions. *Id.*

**INSTITUTIONS FOR INSTRUCTION OF THE BLIND.** The fact that institutions for the instruction of the blind are subject to the visitation of the Superintendent of Public Instruction (L. 1894, chap. 556, tit. 15, art. 14) does not prevent such an institution from being charitable in its character and purpose, and, hence, also subject to the visitation of the State Board of Charities (Const., art. 8, § 13). *Id.*

**MEANING OF "CHARITABLE."** The word "charitable," as used in the provisions of the Constitution and the statutes subjecting charitable institutions to the supervision and rules of the State Board of Charities, is to be given only its usual and ordinary meaning. *Id.*

**INSTITUTION FOR THE BLIND — CHARITABLE IN PART.** The New York Institution for the Blind, an institution under private control, organized in 1831 (chap. 214) for the special education of the blind, is to be regarded as a charitable institution so far as it clothes, educates and maintains indigent pupils at public expense or by donations from individuals; and as to such pupils, it is subject to the supervision and rules of the State Board of Charities. *Id.*



**INSTITUTION EDUCATIONAL IN PART.** Such institution, so far as it educates pupils who pay for their tuition, board and maintenance, is not to be regarded as a charitable, but only as an educational institution, and as to those pupils the Board of Charities has no jurisdiction or power of supervision.

**INSTITUTION OF CHARITABLE CHARACTER.** Such institution, being to an extent, charitable as well as educational, falls within the provisions of the Constitution and statutes as an institution of a charitable character or design. *Id.*

**STATE MAINTENANCE OF FREE EDUCATION.** The provision of the Constitution (art. 9, § 1), that "the Legislature shall provide for the maintenance and support of a system of free common schools, wherein all the children of this State may be educated," relates only to the public or common schools of the State, and has no application to appropriations made by the State to an institution for the education of the blind, wholly or partly under private control. *Id.*

**STATE AID TO PRIVATE EDUCATION OF THE BLIND.** Appropriations by the Legislature to a local or private institution, for the education and support of the blind, are based upon and authorized by the provisions of the Constitution (art. 8, § 10 of 1874; § 9 of 1894) which prescribe that the prohibition of State aid to any association, corporation or private undertaking shall not prevent the Legislature from making such provision for the education and support of the blind as to it may seem proper. *Id.*

**PAST APPROPRIATIONS NOT VIOLATIVE OF THE CONSTITUTION.** It does not follow that, if the New York Institution for the Blind is charitable, appropriations made to it in the past by the State for the education and support of pupils, and appropriations made by the counties of New York and Kings (under L. 1870, chap. 166, § 3) of the sums required for clothing the indigent pupils who were residents of the county making the appropriation were violative of the Constitution (art. 8, §§ 8, 11, of 1874). *Id.*

**MANDATORY APPROPRIATION.** The charitable character of the New York Institution for the Blind is not changed if the provisions of the statute (L. 1870, chap. 166, § 3) requiring the counties of New York and Kings to appropriate money to clothe indigent pupils is mandatory, and hence in conflict with the Constitution of 1894 (art. 8, § 14), which is not decided. *Id.*

**PARTICIPATION IN PUBLIC SCHOOL FUND.** It does not follow from the fact that the charter of Greater New York (L. 1897, chap. 378, § 1161), authorizes the board of education to distribute a ratable proportion of the school fund to every pupil in the New York Institution for the Blind, that the institution must be regarded as purely educational and not charitable. *Id.*

**PUBLIC PAYMENTS TO CHARITABLE INSTITUTIONS.** The Legislature can not now authorize a locality to pay, nor can a locality in any case pay its money to a charitable institution, wholly or partly under private control, for the care, support and maintenance of inmates who are not received and retained pursuant to the rules established by the State Board of Charities. (Const. 1894, art. 8, § 14.) *Id.*

**PAYMENT DEPENDENT UPON OBSERVANCE OF RULES OF BOARD OF CHARITIES.** The New York Institution for the Blind being, to an extent, a charitable institution and, so far as it is charitable, subject to the visitation and rules of the State Board of Charities, no payment can be properly made to it from

## CONSTITUTIONAL PROVISIONS, LAWS, BY-LAWS AND RULES. 11

the moneys of the city and county of New York for the maintenance or support, including clothing, of any indigent inmate not received and retained by it pursuant to the rules of that board. *Id.*

*Court of Appeals, October, 1897, People ex rel. Inst. for the Blind v. Fitch, 12 App. Div. 581, reversed.*

**CHARITABLE INSTITUTIONS — PAYMENTS OF PUBLIC MONEYS TO INSTITUTIONS WHOLLY OR PARTLY UNDER PRIVATE CONTROL — RULES OF THE STATE BOARD OF CHARITIES.** A municipal corporation is prohibited by the Constitution (art. 8, § 14) and the statutes (L. 1895, ch. 754; L. 1896, ch. 546, § 9, subd. 8) from paying public moneys to a charitable institution wholly or partly under private control, for the care, support and maintenance of inmates who are not received and retained therein pursuant to the rules established by the State Board of Charities for the purpose of determining whether such inmates are properly a public charge. *Court of Appeals, October, 1902, In re Application of New York Juvenile Asylum, appellant, for a writ of mandamus, John W. Keller, as commissioner of public charities in the city of New York, respondent, 172 N. Y. 50.*

**NEW YORK JUVENILE ASYLUM — CHARTER PROVISION REQUIRING PAYMENT BY THE CITY AND COUNTY OF NEW YORK FOR THE SUPPORT OF INMATES NOT COMMITTED TO IT IN ACCORDANCE WITH RULES OF STATE BOARD OF CHARITIES, SUPERSEDED BY THE CONSTITUTION.** The fact that the New York Juvenile Asylum, a private charitable institution, was authorized by its charter (L. 1851, ch. 332) to take under its care the management of such children as should by consent, in writing, of their parents or guardians, be voluntarily surrendered and intrusted to it, and by section 28 of chapter 245 of the Laws of 1866 might require the county of New York to pay annually a specified sum for the support of children so committed to it, which section was incorporated into the charter of Greater New York (L. 1897, ch. 378, § 230) and has not in terms been repealed, amended or modified, does not authorize the city and county of New York to pay for the support and maintenance of any inmate not received and retained therein pursuant to the rules of the State Board of Charities, since such payment is prohibited, not by the rules affecting the repeal or amendment of the statute conferring the right thereto, but by the Constitution itself, which superseded the statute and operated presently from the time the rules were established. *Id.*

*Court of Appeals, October, 1902, Matter of New York Juvenile Asylum, 69 App. Div. 615, affirmed.*

A conveyance of real property by a city to a charitable institution, wholly or partially under private control, for a nominal or no consideration. Held unconstitutional and void.

Such a gift to a corporation whose purpose, as prescribed in its charter, is medical and surgical aid to persons of a certain religious denomination and other objects appertaining to hospitals and dispensaries, contravenes the provision of section 10, article VIII of the State Constitution, prohibiting a city from giving any money or property to or in aid of any individual, association or corporation, and is not saved by the proviso that such prohibition shall not prevent a city from making such provision for the aid and support of its poor as may be authorized by law, because the appropriation of the proceeds of the grant is not permanently secured for a public purpose.

Such a gift offends against section 14 of article VIII which confines gifts by a city to a charitable institution wholly or partly under private control to payments for inmates received and retained pursuant to rules established by the State Board of Charities, and does not permit a payment or transfer of property by way of endowment.

The language of section 14 of the Constitution clearly contemplates payment of money for these purposes, to be applied subject to the rules and regulations established by the Board of Charities. This is now the authority for the application of property and money in aid of private institutions that have voluntarily assumed the public obligation, and the provision is that no "payments shall be made for any inmate of such institutions who is not received and retained therein pursuant to rules established by the State Board of Charities;" thus clearly contemplating that the basis of the appropriation shall have relation to the number of inmates provided for in the particular institutions, the rate of payment being placed upon a per capita basis. *Supreme Court, March, 1904, The Mount Sinai Hospital, Respondent, v. David H. Hyman, Appellant*, 92 App. Div. 270.

§ 15. Commissioners of the state board of charities and commissioners of the state commission in lunacy, now holding office, shall be continued in office for the term for which they were appointed, respectively, unless the legislature shall otherwise provide. The legislature may confer upon the commissions and upon the board mentioned in the foregoing sections any additional powers that are not inconsistent with other provisions of the constitution.

## STATUTE LAWS.

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AN ACT relating to State Charities, constituting chapter 26 of the General Laws.

Chapter 546, Laws of 1896, as amended by chapters 437, Laws of 1897; 359 and 536, Laws of 1898; 368, 504 and 632, Laws of 1899; 49, Laws of 1900; 252 and 356, Laws of 1902; 473, Laws of 1903; 165, 167, 169, 453, 462 and 545, Laws of 1904; 452, 457, 458, 459 and 613, Laws of 1905; 225 and 685, Laws of 1906.

### STATE CHARITIES LAW.

- Article
- I. State board of charities. (§§ 1-26.)
  - II. State charities aid association. (§§ 30-32.)
  - III. Regulation of state charitable institutions and reports to and accounts against municipalities. (§§ 40-53.)
  - IV. Syracuse state institution for feeble-minded children. (§§ 60-70.)
  - V. State custodial asylum for feeble-minded women. (§§ 80-83.)
  - VI. Rome state custodial asylum. (§§ 90-94.)
  - VII. The Craig colony for epileptics. (§§ 100-115.)
  - VIII. Institutions for juvenile delinquents. (§§ 120-139c.)
  - IX. Houses of refuge and reformatories for women. (§§ 140-153.)
  - X. The Thomas Indian school. (§§ 160-165.)
  - XI. Laws repealed; when to take effect. (§§ 170-171.)

### ARTICLE I.

#### STATE BOARD OF CHARITIES.

- Section
- 1. Short title.
  - 2. Definitions.
  - 3. State board of charities.
  - 4. Officers of the board.
  - 5. Compensation and expenses of commissioners.
  - 6. Meetings and effect of nonattendance.

**Section 7. Office room and supplies.**

8. Official seal, certificates and subpoenas.
9. General powers and duties of board.
10. Visitations, inspection and supervision of institutions
11. Powers and duties of board on visits and inspections.
12. Investigations of institutions.
13. Orders of board directed to institutions.
14. Correction of evils in administration of institutions.
15. Duties of the attorney-general and district attorneys.
16. State, nonresident and alien poor.
17. Reports of state board of charities.
18. Institutions for the deaf and dumb and the blind.
19. What is a dispensary?
20. Licensing of dispensaries by the state board of charities.
21. Rules and regulations.
22. Revocation of licenses.
23. Drug store or tenement house not to be used by dispensary; unlawful display of signs.
24. Penalty for violation.
25. False representations.
26. Acts repealed.
27. Time to take effect.

**Section 1. Short title.**—This chapter shall be known as the state charities law.

**§ 2. Definitions.**—The term state charitable institutions, when used in this chapter, shall include all institutions of a charitable, eleemosynary, correctional or reformatory character, supported in whole or in part by the state, except institutions for the instruction of the deaf and dumb and the blind and such institutions which, by section eleven, article eight of the constitution, are made subject to the visitation and inspection of the commission in lunacy or the prison commission, whether managed or controlled by the state or by private corporations, societies or associations.

**§ 3. State board of charities.**—There shall continue to be a state board of charities, composed of twelve members, who shall be appointed by the governor, by and with the advice and consent of the senate, one of whom shall be appointed from and reside in

each judicial district of the state, one additional member from the county of Kings, and three additional members from the county of New York, who shall respectively reside in such counties. They shall be known as commissioners of the state board of charities, and hold office for eight years. No commissioner shall qualify or enter upon the duties of his office, or remain therein, while he is a trustee, manager, director or other administrative officer of an institution subject to the visitation and inspection of such board. The commissioners in office at the time this chapter takes effect, shall continue in office for the terms for which they were respectively appointed. (*As amended by chapter 437 of the Laws of 1897.*)

§ 4. Officers of the board.—The board may elect a president, and vice-president from its own members, and shall appoint and continue to have a secretary, and may appoint such other officers, inspectors and clerks as it may deem necessary or proper and fix their compensation, who shall respectively hold their office during the pleasure of the board.

§ 5. Compensation and expenses of commissioners.—The compensation of each commissioner, in recognition of the provisions of the constitution, is fixed at ten dollars for each day's attendance at meetings of the board or of any of its committees, not exceeding in any one year the sum of five hundred dollars. The expenses of each commissioner, necessarily incurred while engaged in the performance of the duties of his office, and his outlay for any assistance that may have been required in the performance of such duties, on the same being paid out and certified by the commissioner making the charge, shall be paid by the treasurer, on the warrant of the comptroller.

§ 6. Meetings and effect of non-attendance.—The board may adopt rules and orders, regulating the discharge of its functions and defining the duties of its officers. It shall, by rule, provide for holding stated and special meetings. Six members regularly convened shall constitute a quorum. The failure on the part of any commissioner to attend three consecutive meetings of the board during any calendar year, unless excused by a formal vote of the board, may be treated by the governor as a resignation by such non-attending commissioner and the governor may



appoint his successor. The annual reports of the board shall give the names of commissioners present at each of its meetings.

§ 7. Office room and supplies.—The trustees of public buildings shall furnish and assign to such board, in the capitol, at Albany, suitably furnished rooms for its office and place of holding meetings, and the comptroller shall furnish it with all necessary journals, account books, blanks and stationery.

§ 8. Official seal, certificates and subpoenas.—The board shall cause a record to be kept of its proceedings by its secretary or other proper officer, and it shall have and use an official seal; and the records, its proceedings and copies of all papers and documents in its possession and custody may be authenticated in the usual form, under such seal and the signature of its president or secretary, and shall be received in evidence in the same manner and with like effects as deeds regularly acknowledged or proven; it may issue subpoenas, which, when authenticated by its president and secretary, shall be obeyed and enforced in the same manner as obedience is enforced to an order or mandate made by a court of record.

§ 9. General powers and duties of board.—The state board of charities shall visit, inspect and maintain a general supervision of all institutions, societies or associations which are of a charitable, eleemosynary, correctional or reformatory character, whether state or municipal, incorporated or not incorporated, which are made subject to its supervision by the constitution or by law; and shall,

1. Aid in securing the just, humane and economic administration of all institutions subject to its supervision.

2. Advise the officers of such institutions in the performance of their official duties.

3. Aid in securing the erection of suitable buildings for the accommodation of the inmates of such institutions aforesaid.

4. Approve or disapprove the organization and incorporation of all institutions of a charitable, eleemosynary, correctional or reformatory character which are or shall be subject to the supervision and inspection of the board.

5. Investigate the management of all institutions made subject to the supervision of the board, and the conduct and efficiency

of the officers or persons charged with their management, and the care and relief of the inmates of such institutions therein or in transit.

6. Aid in securing the best sanitary condition of the buildings and grounds of all such institutions, and advise measures for the protection and preservation of the health of the inmates.

7. Aid in securing the establishment and maintenance of such industrial, educational and moral training in institutions having the care of children as is best suited to the needs of the inmates.

8. Establish rules for the reception and retention of inmates of all institutions which, by section fourteen of article eight of the constitution, are subject to its supervision.

*Court of Appeals, October, 1902, People ex rel. Inebriates' Home for Kings County v. Comptroller of the City of Brooklyn, 152 N. Y. 399. Court of Appeals, October, 1897, People ex rel. New York Institution for the Blind v. Comptroller of the City of New York, 154 N. Y. 14. Court of Appeals, October, 1902, in re application of the New York Juvenile Asylum, appellant, for a writ of mandamus, John W. Keller, as commissioner of public charities in the city of New York, respondent, 172 N. Y. 50. For notes on these cases see pages 8, 9, 10, 11 and 12.*

9. Investigate the condition of the poor seeking public aid and advise measures for their relief.

10. Administer the laws providing for the care, support and removal of state and alien poor and the support of Indian poor persons.

11. Collect statistical information in respect to the property, receipts and expenditures of all institutions, societies and associations subject to its supervision, and the number and condition of the inmates thereof, and of the poor receiving public relief. (*Subdivision 12, repealed by chapter 252 of the Laws of 1902.*)

§ 10. Visitation, inspection and supervision of institutions.—All institutions of a charitable, eleemosynary, reformatory or correctional character or design, including reformatories (except those now under the supervision and subject to the inspection of the prison commission), but including all reformatories, except those in which adult males convicted of felony shall be confined, asylums and institutions for idiots and epileptics, almshouses, orphan asylums, and all asylums, hospitals and institutions, whether state, county, municipal, incorporated or not incorporated, private or otherwise, except institutions for the custody,

care and treatment of the insane, are subject to the visitation, inspection and supervision of the state board of charities, its members, officers and inspectors. Such institutions may be visited and inspected by such board, or any member, officer or inspector duly appointed by it for that purpose, at any and all times.

*Court of Appeals, January, 1900, People ex rel. State Board of Charities v. New York Society for the Prevention of Cruelty to Children, 161 N. Y. 233; April, 1900, 162 N. Y. 429; also Court of Appeals, February, 1901, Fox v. Mohawk and Hudson River Humane Society, 165 N. Y. 517. For notes on these cases see pages 6 and 7.*

Such board or any member thereof may take proofs and hear testimony relating to any matter before it, or before such member, upon any such visit or inspection.

Any member or officer of such board, or inspector duly appointed by it, shall have full access to the grounds, buildings, books and papers relating to any such institution, and may require from the officers and persons in charge thereof, any information he may deem necessary in the discharge of his duties. The board may prepare regulations according to which, and provide blanks and forms upon which, such information shall be furnished, in a clear, uniform and prompt manner, for the use of the board. No such officer or inspector shall divulge or communicate to any person without the knowledge and consent of said board any facts or information obtained pursuant to the provisions of this act; on proof of such divulgement or communication such officer or inspector may at once be removed from office. The annual reports of each year shall give the results of such inquiries, with the opinion and conclusions of the board relating to the same. Any officer, superintendent or employe of any such institution, society or association who shall unlawfully refuse to admit any member, officer or inspector of the board, for the purpose of visitation and inspection, or who shall refuse or neglect to furnish the information required by the board or any of its members, officers or inspectors, shall be guilty of a misdemeanor, and subject to a fine of one hundred dollars for each such refusal or neglect. The right and powers hereby conferred may be enforced by an order of the supreme court after notice and hearing, or by indictment by the grand jury of the county or both.

§ 11. Powers and duties of the board on visits and inspections.

—On such visits, inquiry shall be made to ascertain:

1. Whether all parts of the state are equally benefited by the institutions requiring state aid.

2. The merits of any and all requests on the part of any such institution for state aid, for any purpose, other than the usual expenses thereof; and the amount required to accomplish the object desired.

3. The sources of public moneys received for the benefit of such institution, as to the proper and economical expenditure of such moneys and the condition of the finances generally.

4. Whether the objects of the institution are being accomplished.

5. Whether the laws and the rules and regulations of this board, in relation to it, are fully complied with.

6. Its methods of industrial, educational and moral training, if any, and whether the same are best adapted to the needs of its inmates.

7. The methods of government and discipline of its inmates.

8. The qualifications and general conduct of its officers and employees.

9. The condition of its grounds, buildings and other property.

10. Any other matter connected with or pertaining to its usefulness and good management.

§ 12. Investigations of institutions.—The board may direct an investigation, by a committee of one or more of its members, of the affairs and management of any institution, society or association, subject to its supervision, or of the conduct of its officers and employees. The commissioner or commissioners designated to make such investigation are hereby empowered to issue compulsory process for the attendance of witnesses and the production of papers, to administer oaths, and to examine persons under oath, and to exercise the same powers in respect to such proceeding as belong to referees appointed by the supreme court.

§ 13. Orders of board directed to institutions.—If it shall appear, after such investigation, that inmates of the institution are cruelly, negligently or improperly treated, or inadequate provision is made for their sustenance, clothing, care, supervision, or

other condition necessary to their comfort and well being, said board may issue an order, in the name of the people, and under its official seal, directed to the proper officers or managers of such institution, requiring them to modify such treatment or apply such remedy, or both, as shall therein be specified; before such order is issued, it must be approved by a justice of the supreme court, after such notice as he may prescribe and an opportunity to be heard, and any person to whom such an order is directed who shall willfully refuse to obey the same, shall, upon conviction, be adjudged guilty of a misdemeanor.

§ 14. Correction of evils in administration of institutions.—The state board of charities shall call the attention of the trustees, directors or managers of any such institution, society or association, subject to its supervision, to any abuses, defects or evils which may be found therein, and such officers shall take proper action thereon, with a view to correcting the same, in accordance with the advice of such board.

§ 15. Duties of the attorney-general and district attorneys.—If, in the opinion of the board or any three members thereof, any matter in regard to the management or affairs of any such institution, society or association, or any inmate or person in any way connected therewith, require legal investigation or action of any kind, notice thereof may be given by the board, or any three members thereof, to the attorney-general, and he shall thereupon make inquiry and take such proceedings in the premises as he may deem necessary and proper. It shall be the duty of the attorney-general and of every district attorney when so required to furnish such legal assistance, counsel or advice as the board may require in the discharge of its duties.

§ 16. State, non-resident and alien poor.—A poor person shall not be admitted as an inmate into a state institution for the feeble-minded, or epileptics, unless a resident of the state for one year next preceding the application for his admission.

The state board of charities, and any of its members or officers, may, at any time, visit and inspect any institution subject to its supervision to ascertain if any inmates supported therein at a state, county or municipal expense are state charges, nonresidents, or alien poor; and it may cause to be removed to the state

or county from which he came any such non-resident or alien poor found in any such institution.

§ 16-a. Transfers of inmates of state charitable institutions.—When in the judgment of the state board of charities, any inmate of any state charitable institution more properly belongs in a state charitable institution other than the one to which he or she was originally committed, or would be benefited by transfer to any other state charitable institution, the state board of charities with the written approval of the governor may order such transfer of such inmate. Before issuing such order the state board of charities shall notify the board of managers of the institution from which and of the institution to which such transfer is to be made, and shall afford them an opportunity to be heard. Copies of such order shall be sent to the boards of managers and the superintendents of the institution where the inmate then is and of the institution to which he or she is to be transferred. The authorities of the institution to which such inmate is to be transferred shall at the expense of such institution, provide for the conveyance of such inmate from such other state charitable institution as may be designated by the state board of charities in such order, and such inmate shall be received by the authorities of the institution to which such transfer is made. When any inmate is so transferred there shall be furnished certified copies of the commitment papers and of the record of such inmate. The board of managers of the institution to which such inmate is transferred shall have all the powers and duties in relation to such inmate, which it possesses in relation to other inmates of such institution. (*As added by chapter 452 of the Laws of 1905.*)

§ 17. Reports of state board of charities.—The state board of charities shall annually report to the legislature its acts, proceedings and conclusions for the preceding year, with results and recommendations, which report shall include the information obtained in its inquiries and investigations, and from the reports made to it as in this chapter provided, giving a complete and itemized statement of expenditures for state poor, and of such other matters relating to the institutions subject to its visitations, as it may deem necessary or proper. The board shall collect, and so far as it shall deem advantageous, embody in its

annual reports, such information as it may deem proper relating to all institutions, subject to the visitation of the board and respecting the best manner of dealing with those who require assistance from the public funds, or who receive aid from private charity, and represent its views as to the best methods of caring for the poor and destitute children who may be distributed through the various institutions of the state, or who may be without instruction or guidance, and furnish in tabulated statements, as nearly as possible, the number, sex, age and nativity of persons in this state, and in the several counties thereof, who are in any way receiving the aid of public, private or organized charity, with any other particulars it may deem proper. And all officers of such institutions shall furnish such statistics on or before the first day of November, in each and every year for the preceding fiscal year, as may be required by said board; and every person refusing to do so, in violation of this section without reasonable excuse, shall be subject to a penalty of one hundred dollars, to be sued for in the name of the people by the attorney-general of the state, upon his receiving written notice from the state board of charities of such refusal. The annual reports of the board may, in its discretion, present the designs and plans and the general estimates for buildings and improvements, which it may deem necessary for any state charitable institution, with the opinion of the board respecting any appropriation required as asked in behalf of such institution, other than for maintenance or ordinary purposes. The board may, in its discretion, and shall, when required by the governor, or either house of the legislature, make other and special reports.

§ 18. Institutions for the deaf and dumb and the blind.—Institutions for the deaf and dumb and the blind shall be subject to such visitation and inspection by the state board of charities as the constitution provides, but nothing in this article shall be deemed to take from the comptroller of the state any power which he now has to audit and supervise the expenditures made on account of the institutions for deaf-mutes and for the blind.

It is not necessary that an institution should be wholly charitable to fall within the provisions of the Constitution (article 8, §§ 11-15) and the statutes (Laws 1895, chapters 754, 771) placing charitable institutions under the supervision and rules of the State Board of Charities. It is enough

if the institution is partly charitable in its character and purpose. *Court of Appeals, October, 1897, People ex rel. New York Institution for the Blind v. Fitch*, 154 N. Y. 14.

(Sections 19 to 27 added by chapter 368 of the Laws of 1899.)

§ 19. What is a dispensary?—For the purposes of this act, a dispensary is declared to be any person, corporation, institution, association, or agent, whose purpose it is, either independently or in connection with any other purpose, to furnish, at any place or places, to persons non-resident therein, either gratuitously or for a compensation determined without reference to the value of the thing furnished medical or surgical advice or treatment, medicine or apparatus, provided, however, that the moneys used by and for the purposes of said dispensary shall be derived wholly or in part from trust funds, public moneys, or sources other than the individuals constituting said dispensary and the persons actually engaged in the distribution of charities of said dispensary.

§ 20. Licensing of dispensaries by the state board of charities.—A license may be issued by the state board of charities to a dispensary, as provided in this section. An application in writing for such license shall be made to such board in the form and manner prescribed by it, which shall be uniform for all schools of medicine. There shall be attached to such application a statement, verified by the oath of the applicant, containing such facts as the board may require. If, in the judgment of such board, the statement filed, and other evidence submitted in relation to such application, indicate that the operations of such dispensary will be for the public benefit, a license shall be issued to the dispensary applying therefor. The form of such license shall be prescribed by the board. A dispensary shall not enter upon the execution, or continue the prosecution of its purpose unless licensed by the state board of charities, as provided in this act. A license shall be issued, on application, to all dispensaries legally incorporated, and to unincorporated dispensaries conducted in connection with incorporated institutions at the time of the passage of this act.

§ 21. Rules and regulations.—The state board of charities shall make rules and regulations, and alter or amend the same, in accordance with which all dispensaries shall furnish and applicants obtain medical or surgical relief, advice or treatment, medi-



cine or apparatus. But such rules and regulations shall not in any case specify the particular school of medicine in accordance with which a dispensary shall manage or conduct its work or determine the kind of medical or surgical treatment to be provided by any dispensary.

§ 22. Revocation of licenses.—The state board of charities or any of its members may at any and all times visit and inspect licensed dispensaries. They may examine all matters in relation to such dispensaries, and ascertain how far they are conducted in compliance with this law and the rules and regulations of the board. After due notice to a dispensary, and opportunity for it to be heard, the board may, if public interest demands, and for just and reasonable cause, revoke a license by an order signed and attested by the president and secretary of the board. Such order shall state the reason for revoking such license, and shall take effect within such time after the service thereof upon the dispensary as the board shall determine. The said board is hereby directed to apply to the supreme court to revoke the license and annul the incorporation of any dispensary legally incorporated, or conducted in connection with an incorporated institution at the time of the passage of this act, for wilful violation of the rules and regulations made by said board.

§ 23. Drug store or tenement house not to be used by dispensary; unlawful display of signs.—After the taking effect of this act, no dispensary shall make use of any place commonly known as a drug store, or any place or building defined by law or by an ordinance of the board of health as a tenement house; nor after such time shall any person, corporation, institution, society, association, or agent thereof, except a duly licensed dispensary, display or cause to be displayed a sign or other thing which could directly or indirectly or by suggestion indicate the existence of the equivalent, in purpose and effect, of a dispensary.

§ 24. Any person who wilfully violates any of the provisions of this act, or any of the rules and regulations made and published under the authority of this act, shall be guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine of not less than ten dollars and not more than two hundred and fifty dollars.

§ 25. Any person who obtains medical or surgical treatment on false representations from any dispensary licensed under the

provisions of this act shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than ten dollars and not more than two hundred and fifty dollars.

§ 26. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

## ARTICLE II.

### STATE CHARITIES AID ASSOCIATION.

Section 30. Visits by the state charities aid association.

31. Duties of officers in charge of institutions; enforcement of orders.

32. Annual reports.

Section 30. Visits by the state charities aid association.—Any justice of the supreme court, on written application of the state charities aid association, through its president or other officer designated by its board of managers, may grant to such person as may be named in such application, orders to enable such persons, or any of them, as visitors of such association to visit, inspect and examine, in behalf of such association any of the public charitable institutions and state hospitals for the insane owned by the state, and the county, town and city poorhouses and almshouses within the state. The persons so appointed to visit, inspect and examine such institutions shall reside in the counties from which such institutions receive their inmates, and such appointments shall be made by a justice of the supreme court of the judicial district in which such visitors reside. Each order shall specify the institution to be visited, inspected and examined and the name of each person by whom such visitation, inspection and examination shall be made, and shall be in force for one year from the date on which it shall have been granted, unless sooner revoked.

§ 31. Duties of officers in charge of institutions; enforcement of orders.—All persons in charge of any such institution shall admit each person named in any such order into every part of such institution, and render such person every possible facility to enable him to make in a thorough manner such visits, inspection and examination, which are hereby declared to be for a public purpose, and to be made with a view to public benefit.

Obedience to the orders herein authorized shall be enforced in the same manner as obedience is enforced to an order or mandate by a court of record.

§ 32. Annual reports.—Such association shall make an annual report to the state board of charities upon matters relating to the institutions subject to the visitation of such board; and to the state commission in lunacy upon matters relating to the institutions subject to the inspection and control of such commission. Such reports shall be made on or before the first day of November for each preceding fiscal year.

### ARTICLE III.

#### REGULATION OF STATE CHARITABLE INSTITUTIONS AND REPORTS TO AND ACCOUNTS AGAINST MUNICIPALITIES.

##### Section 40. Fiscal supervisor of state charities.

41. Office and clerical force of fiscal supervisor.
42. Powers and duties of fiscal supervisor.
43. Removals by governor.
44. Fiscal year.
45. Monthly estimates of expenses; contingent fund.
46. Monthly statement of receipts and expenditures.
47. Affidavit of steward; vouchers.
48. Purchases.
49. Plans and specifications; contracts.
50. Visitations and reports by managers or trustees.
51. Reports to supervisors of appointments and committals to charitable institutions.
52. Reports by officers of certain institutions to clerks of supervisors and cities.
53. Verified accounts against counties, cities and towns.

Section 40. Fiscal supervisor of state charities.—The office of fiscal supervisor of state charities is hereby created. On or before April fifteenth, nineteen hundred and two, the governor shall appoint, by and with the advice and consent of the senate, a fiscal supervisor of state charities. A successor to such supervisor shall be appointed in like manner. The term of office of the fiscal supervisor of state charities shall be five years, and he shall be paid by the state an annual salary of six thousand

dollars, and his actual and necessary expenses. If a vacancy shall occur, otherwise than by expiration of term, in the office of fiscal supervisor of state charities, a fiscal supervisor of state charities shall be appointed in the manner provided by this section for the unexpired term of his predecessor. (*Added by chapter 252 of the Laws of 1902.*)

§ 41. Office and clerical force of fiscal supervisor.—The fiscal supervisor of state charities shall be provided by the proper authorities with a suitably furnished office in the state capitol. He may employ a secretary, a stenographer and such other employes as may be needed. The salaries and reasonable expenses of the fiscal supervisor and the necessary clerical assistants shall be paid by the treasurer of the state, on the warrant of the comptroller, out of any moneys appropriated therefor. (*Added by chapter 252 of the Laws of 1902.*)

§ 42. Powers and duties of fiscal supervisor.—The fiscal supervisor shall, as to the state charitable institutions, the New York state school for the blind and the Elmira reformatory;

1. Visit each of such institutions at least twice in each calendar year.

2. Examine into the condition of all buildings, grounds and other property connected with any such institution, and into all matters relating to its financial management, and for such purpose he shall have free access to the grounds, buildings, and all books, papers, property and supplies of any such institution; and all persons connected with any such institution shall give such information and afford such facilities for such examination or inquiry as the supervisor may require.

3. Appoint, in his discretion, a competent person to examine the books, papers and accounts of any institution to the extent deemed necessary.

4. Annually report to the legislature his acts and proceedings for the year ending September thirtieth last preceding, with such facts in regard to the condition of the buildings, grounds and property, and the financial management of the state charitable institutions, the New York state school for the blind and the Elmira reformatory as he may deem necessary for the information of the legislature, including estimates of the amounts

required for the use of such institutions and the reasons therefor. The fiscal supervisor shall also on the first days of January and July in each year report to the governor the condition of the buildings, grounds and property on such date, together with such suggestions in regard to the financial management of such institutions as he deems proper. He shall also, on request of the governor or of any committee of either house of the legislature, make a special report in relation to the condition of the buildings, grounds and property, or the financial management of such institutions, or of any of them. (*Added by chapter 252 of the Laws of 1902.*)

§ 43. Removals by governor.—A fiscal supervisor of state charities, or the superintendent or the steward of any institution, subject to the provisions of this article, may be removed by the governor for cause, an opportunity having been given him to be heard in his defense. (*Added by chapter 252 of the Laws of 1902.*)

§ 44. Fiscal year.—The fiscal year of all state charitable institutions, of the New York state school for the blind and of the Elmira reformatory shall commence with the first day of October in each year, and close with the thirtieth day of September, next succeeding; and the annual reports of such institutions required by this chapter, shall be made for the fiscal year as herein named, and copies thereof shall be filed with the fiscal supervisor on or before the first day of December in each year, and on or before the twentieth day of October in each year there shall be filed with the fiscal supervisor copies of the inventories of supplies for maintenance and property on hand at the close of the last fiscal year. (*As amended by chapter 252 of the Laws of 1902 and chapter 473 of the Laws of 1903.*)

§ 45. Monthly estimates of expenses; contingent fund.—The superintendent or other managing officer of each of the state charitable institutions, of the New York state school for the blind at Batavia and of the Elmira reformatory shall, on or before the fifteenth day of each month, cause to be prepared triplicate estimates in minute detail, of the expenses required for the institution of which he has the supervision, for the ensuing month. He shall countersign and submit two of such triplicates to the fiscal supervisor, and retain the other to be placed

on file in the office of the institution. The fiscal supervisor may cause such estimates to be revised either as to quantity or quality of supplies and the estimated cost thereof, and shall certify that he has carefully examined the same and that the articles contained in such estimate, as approved or revised by him, are actually required for the use of the institution, and shall thereupon present such estimate and certificate to the comptroller. Upon the revision and approval of such estimate, the comptroller shall authorize the boards of managers, trustees or other managing officers of such institutions to make drafts on him, as the money may be required for the purposes mentioned in such estimates, which drafts shall be paid on his warrant, out of the funds in the treasury of the state appropriated for the support of such institutions. In every such estimate, there shall be a sum named, not to exceed two hundred and fifty dollars, as a contingent fund, for which no minute detailed statement need be made. No expenditures shall be made from such contingent fund, except in case of actual emergency, requiring immediate action, and which can not be deferred without loss or danger to the institution, or the inmates thereof. The treasurer of any such institution shall not pay accounts for goods furnished, salaries of officers or employes, unless they are contained in the estimate provided in this section, and duly approved by the fiscal supervisor. Nor shall the treasurer of any institution named or referred to in this section pay accounts for supplies furnished to officers and employes unless the same be drawn from the ordinary supplies provided for the general use of the institution. No persons, other than the officers and employes of such institutions, and the families of the superintendents, medical officers, adjutants, quartermasters or stewards, necessarily residing therein, shall be allowed rooms and maintenance, except at a rate fixed by the state comptroller and the fiscal supervisor with the approval of the governor. The officers and employes in the office of the state comptroller on April first, nineteen hundred and two, performing duties under section forty-one of the state charities law, in relation to the estimates of the state charitable institutions, of the New York state school for the blind, and of the Elmira reformatory are hereby continued in office

and transferred to the office of the fiscal supervisor subject to his direction and control. (*As amended by chapter 252 of the Laws of 1902.*)

§ 46. Monthly statements of receipts and expenditures.—The treasurer of each state charitable institution, of the New York state school for the blind and of the Elmira reformatory shall, on or before the fifteenth day of each month, make to the fiscal supervisor a full and perfect statement of all the receipts and expenditures, specifying the several items, for the last preceding calendar month. Such statement shall be verified by the affidavit of the treasurer attached thereto, in the following form: I,.....treasurer of the.....do solemnly swear that I have deposited in the bank designated by law for such purpose all the moneys received by me on account of such.....during the last month; and I do further swear that the foregoing is a true abstract of all the moneys received, and expenditures made by me or under my direction as such treasurer during the month ending on the.....day of .....nineteen.....  
(*As amended by chapter 252 of the Laws of 1902.*)

§ 47. Affidavit of steward; vouchers.—There shall be attached to such treasurer's statement, the affidavit of the steward or other officer having like powers, to the effect that the goods and other articles therein specified were purchased and received by him or under his direction at the institution, that the goods were purchased at a fair cash market price and paid for in cash, and that he or any person in his behalf had no pecuniary or other interest in the articles purchased; that he received no pecuniary or other benefit therefrom in the way of commission, percentage, deductions or presents, or in any other manner whatever, directly or indirectly; that the articles contained in such bill were received at the institution; that they conformed in all respects to the invoiced goods received and ordered by him, both in quality and quantity. Such statement shall be accompanied by the voucher showing the payment of the several items contained in the statement, the amount of such payment and for what the payment was made. Such vouchers shall be examined by the fiscal supervisor and compared with the estimates made for the month for

which the statement is rendered, and if found correct shall be endorsed and forwarded by the fiscal supervisor, with the statement, to the comptroller, who shall have the power of final audit in accordance with the estimate. If any voucher is found objectionable, the fiscal supervisor or the comptroller shall endorse his disapproval thereon, with the reason therefor, and return it to the treasurer, who shall present it to the board of managers for correction and immediately return it. All vouchers shall be filed in the office of the comptroller. (*As amended by chapter 252 of the Laws of 1902.*)

§ 48. Purchases.—All purchases for the use of the state charitable institutions, of the New York state school for the blind or of the Elmira reformatory shall be made for cash or on credit or time not exceeding thirty days; every voucher shall be duly filled up, and with every abstract of vouchers paid, there shall be proof on oath that the voucher was properly filled up and the money paid. The board of managers or trustees shall make all needful rules and regulations to enforce the provisions of this section. The fiscal supervisor, a member or officer of the state board of charities or manager or officer of any such institution, shall not be interested, directly or indirectly, in the furnishing of materials, labor or supplies for the use of any such institutions nor shall any manager or trustee act as attorney or counsel for the board of managers or trustees thereof. Such contracts shall not be let except in conformity with the provisions of this act in relation to estimates. All goods for the use of such institutions except those furnished pursuant to law by some other institution of the state shall be bought, as far as practicable, of manufacturers or their immediate agents. All contracts, if let, shall, subject to the provisions of this article relating to estimates, be awarded to the lowest responsible bidder. Each of such institutions may manufacture such supplies and materials to be used in the institution as can be economically made therein. Between the first day of July and the thirtieth day of September in each year the fiscal supervisor shall call the superintendents of the state charitable institutions, the Elmira reformatory and the New York state school for the blind to meet at his office in Albany. The fiscal supervisor shall notify the president of the board of managers or trustees of each state charitable institution and of the Elmira



reformatory and the New York state school for the blind, at least ten days in advance, of such meeting of the superintendents, and each such president may designate a member of the board of managers or trustees of which he is president to attend such meeting as a representative of such boards. The necessary traveling expenses of a manager or trustee in attendance upon such meeting shall be paid in the same manner as the traveling expenses of managers or trustees when in attendance upon meetings of boards of managers or trustees. The superintendent and managers or trustees present at such meeting shall consider, and shall determine, subject to the power granted to the fiscal supervisor in section forty-five of this article, the following matters:

1. Which articles of supplies it is practicable to purchase for all the state charitable institutions, the New York state school for the blind and the Elmira reformatory, or some of them, by joint contracts.

2. The specifications for articles of supplies to be purchased by joint contracts.

3. The provisions of the contracts under which articles of supplies are to be purchased jointly.

At such meetings of superintendents and managers or trustees there shall be designated by those present a purchasing committee, to consist of not more than six superintendents, who shall serve as such purchasing committee until the next annual meeting of superintendents and managers or trustees. Such meeting of superintendents and managers or trustees may refer to such purchasing committee any matters which might be considered and determined by such meeting of superintendents and managers or trustees. Such purchasing committee shall meet whenever so requested by the fiscal supervisor, and shall possess the same powers as the annual meeting of superintendents and managers or trustees, provided for in this section. Such purchasing committee may also consider proposals and make awards under joint contracts for the purchase of staple articles of supplies for some or all of the state charitable institutions, the Elmira reformatory and the New York state school for the blind, and shall appoint a committee of two to execute joint contracts in accordance with such awards, subject to the approval of the fiscal supervisor. All powers conferred in this section upon the annual meeting of

superintendents and managers or trustees, and upon the purchasing committee, shall be exercised subject to the powers now possessed by, or hereafter conferred upon, the fiscal supervisor of state charities. (*As amended by chapter 252 of the Laws of 1902, chapter 473 of the Laws of 1903 and chapter 457 of the Laws of 1905.*)

§ 49. Plans and specifications, contracts, special orders, orders for extra work, special fund estimates, payments.—The governor, the president of the state board of charities, and the fiscal supervisor, or a majority of such officers, shall approve or reject plans and specifications for the erection, alteration, repairs or improvements of buildings or plant for any state charitable institution or for the New York state school for the blind; and no such erection, alteration, repairs or improvements shall be made until the plans and specifications therefor have been so approved. Contracts for such work of erection, alteration, repairs or improvements may be let by the board of managers or trustees, with the approval of the governor, the president of the state board of charities and the fiscal supervisor, or a majority of such officers, for the whole or any part of the work to be performed, and, in the discretion of the managers or trustees, and, subject to such approval, such contracts may be sublet. Special orders for such work in amounts less than one thousand dollars may be issued by the state architect upon authorization by the board of managers or trustees, subject to the approval of the fiscal supervisor. Copies of all such contracts and special orders shall be filed with the fiscal supervisor, with the comptroller, and with the board of managers or trustees. The fiscal supervisor and the board of managers or trustees shall determine to what extent and for what length of time advertisements are to be inserted in newspapers for proposals for the erection, alteration, repairs or improvements of buildings or plant of state charitable institutions, the New York state school for the blind or the Elmira reformatory. A preliminary deposit or certified check drawn upon some legally incorporated bank or trust company of this state shall in all cases be required as an evidence of good faith, upon all proposals from contractors for such work, to be deposited with the superintendent of the institution for

which the work is to be performed, in an amount to be determined by the state architect. All such contracts and special orders for the erection, alteration, repairs or improvements of buildings or plant of state charitable institutions, the New York state school for the blind or the Elmira reformatory shall contain a clause that the contract shall only be deemed executory to the extent of the moneys available, and no liability shall be incurred by the state beyond the moneys available for the purpose. All contracts in an amount greater than one thousand dollars shall have the performance thereof secured by sufficient bond or bonds, to be approved by and filed with the comptroller. All work done by special orders in an amount less than one thousand dollars need have no surety bond provided payment is to be made only after the work is completed and approved. The work of erection, alteration, repairs or improvements of buildings or plant of state charitable institutions, the New York state school for the blind and the Elmira reformatory, may be done by the employment of inmate or outside labor, either or both, and by the purchase of materials in the open market whenever, in the opinion of the fiscal supervisor and state architect, such course shall be more advantageous to the state. No compensation shall be allowed for the employment of inmate labor. Where money is appropriated for any specific purpose other than for maintenance, and the work, materials, furniture, apparatus or other supplies are not to be performed or purchased pursuant to contract or special order duly made therefor, such money shall be expended pursuant to special fund estimates made to the fiscal supervisor by the board of managers or trustees of the institution for which such appropriation is made. The provisions of this article relating to the estimates of the expense required for state charitable institutions, for the New York state school for the blind and the Elmira reformatory, shall apply to such estimates; and when such work is to be performed in accordance with plans and specifications prepared by the state architect or is to be paid for from appropriations for the erection, alteration, repairs or improvements of buildings or plant, such estimates shall also be subject to his approval. Except as above specified all such work shall be done by contract or special order. The form of the contract or special order shall be prescribed by the state architect. All pay-

ments on contracts, special orders and special fund estimates shall be made on the certificate of the state architect and the voucher of the board of managers or trustees as the work progresses or the purchase of material is made, and upon bills duly certified, rendered and audited and approved by the fiscal supervisor. No item of an appropriation made for the performance of such work shall be available, except for advertising, unless one or more contracts, special orders or special fund estimates shall first have been made for the completion of such work within the appropriation therefor. If an appropriation be made for the erection, alteration, repairs or improvements of buildings or plant, at a state charitable institution, the New York state school for the blind or the Elmira reformatory, in an appropriation act specifying two or more objects for which the appropriation shall be applied, and any one of such objects shall have been accomplished for a less sum than the amount specified in the act, the unexpended balance shall be applicable to the completion of any other work specified in the act,—if, after due advertisements, no bids shall have been received within the amount specifically appropriated therefor. Each original bid, with an abstract thereof shall accompany the copy of the contract or special order which is to be filed with the comptroller. (*As amended by chapter 252 of the Laws of 1902, chapter 473 of the Laws of 1903, and chapter 457 of the Laws of 1905.*)

§ 50. Visitations and reports by managers or trustees.—The board of managers or trustees of each of the state charitable institutions, and of the New York state school for the blind, in addition to their other duties now required by law, shall, by a majority of its members, visit and inspect the institution for which it is appointed at least monthly, and shall make a written report to the governor, the state board of charities and the fiscal supervisor within ten days after each visitation, to be signed by each member making such visitation. Such reports shall state in detail the condition of the institution visited and of its inmates, and such other matters pertaining to the management and affairs thereof as in the opinion of the board should be brought to the attention of the governor, the state board of charities or the fiscal supervisor of state charities, and may contain recommendations as to needed improvements in the institution or its management. The state

board of managers of reformatories shall meet monthly at some one of the institutions under its management and shall at least monthly visit and inspect each such institution either by a majority of said board or a committee of its members, and shall make a like report to the governor, the state commission of prisons, and the fiscal supervisor. (*As amended by chapter 252 of the Laws of 1902, and by chapter 473 of the Laws of 1903, and chapter 685 of the Laws of 1906.*)

§ 51. Reports to supervisors of appointments and committals to charitable institutions.—Every judge, justice, superintendent or overseer of the poor, supervisor or other person who is authorized by law to make appointments or commitments to any state charitable institution, except almshouses, in which the board, instruction, care or clothing is a charge against any county, town or city, shall make a written report to the clerk of the board of supervisors of the county, or of the county in which any town is situated, or to the city clerk of any city, which are liable for any such board, instruction, care or clothing, within ten days after such appointment or commitment, and shall therein state, when known, the nationality, age, sex and residence of each person so appointed or committed and the length of time of such appointment or commitment. (*As amended by chapter 252 of the Laws of 1902.*)

§ 52. Reports by officers of certain institutions to clerks of supervisors and cities.—The keeper, superintendent, secretary, director or other proper officer of a state charitable institution to which any person is committed or appointed, whose board, care, instruction, tuition or clothing shall be chargeable to any city, town or county, shall make a written report to the clerk of such city or to the clerk of the board of supervisors of the county, or of the county in which such town is situated, within ten days after receiving such person therein. Such report shall state when such person was received into the institution, and, when known, the name, age, sex, nationality, residence, length of time of commitment or appointment, the name of the officer making the same, and the sum chargeable per week, month or year for such person. If any person so appointed or committed to any such institution shall die, be removed or discharged, such officers shall immediately report to the clerk of

the board of supervisors of the county, or of the county in which such town is situated, or to the city clerk of the city from which such person was committed or appointed, the date of such death, removal or discharge. (*As amended by chapter 252 of the Laws of 1902.*)

§ 53. Verified accounts against counties, cities and towns.—The officers mentioned in the last section shall annually, on or before the fifteenth day of October, present to the clerk of the board of supervisors of the county, or of the county in which such town is situated, or to the city clerk of a city from which any such person is committed and appointed, a verified report and statement of the account of such institution with such county, town or city, up to the first day of October, and in case of a claim for clothing, an itemized statement of the same; and if a part of the board, care, tuition or clothing has been paid by any person or persons, the account shall show what sum has been so paid; and the report shall show the name, age, sex, nationality and residence of each person mentioned in the account, the name of the officer who made the appointment or commitment, and the date and length of the same, and the time to which the account has been paid, and the amount claimed to such first day of October, the sum per week or per annum charged, and if no part of such account has been paid, the report shall show such fact. Any officer who shall refuse or neglect to make such report shall not be entitled to receive any compensation or pay for any services, salary or otherwise, from any town, city or county affected thereby. The clerk of the board of supervisors who shall receive any such report or account shall file and present the same to the board of supervisors of his county on the second day of the annual meeting of the board next after the receipt of the same. (*As amended by chapter 252 of the Laws of 1902.*)

#### ARTICLE IV.

##### SYRACUSE STATE INSTITUTION FOR FEEBLE-MINDED CHILDREN.

##### Section 60. Institutions for idiots or feeble-minded children.

61. Powers and duties of boards of directors.
62. Salaries of officers.
63. Directors may hold donations in trust.
64. By-laws.

**Section 65. Duties of superintendent.**

66. Duties of treasurer.

67. Semi-annual meeting and records of board of directors.

68. Manner of receiving pupils.

69. Discharge of state pupils and payment of expenses.

70. Expense of clothing state pupils.

**Section 60. Institution for idiots or feeble-minded children.—**The management of the Syracuse State Institution for Feeble-Minded Children at Syracuse shall continue to be in a board of managers, which shall hereafter consist of the superintendent of public instruction and eight other persons, who shall continue to be appointed by the senate upon the recommendation of the governor, as often as vacancies shall occur therein, and shall hold office for eight years, and until their successors are severally appointed, subject to removal by the governor for cause, after an opportunity given them to be heard in their defense. The managers now in office shall hold their offices until the expiration of the term for which they were respectively appointed.

§ 61. General powers and duties of boards of managers.—Five members of the board shall constitute a quorum for the transaction of business. The board shall have the general direction and control of all the property and concerns of the institution, and shall take charge of its general interests and see that its general design is carried into effect, according to law and the by-laws, rules and regulations of the institution. It shall appoint a superintendent, who shall be a well-educated physician, and a treasurer, who shall reside in the city of Syracuse, and shall give an undertaking to the people of the state for the faithful performance of his trust, in such sum and with such sureties as the comptroller shall approve. Such board shall, annually, on or before the first day of February, report to the legislature the condition of the institution.

§ 62. Salaries of officers.—The board shall, from time to time, determine the annual salaries and allowances of the resident officers of the institution.

Such salaries and allowances shall be paid monthly by the treasurer of the institution in the same manner as other claims against the institution.

§ 63. Managers may hold donations in trust.—The managers may take, and hold in trust for the state, any grant or devise of land, or any donation or bequest of money or other personal property, to be applied to the maintenance and education of feeble-minded children and the general use of the institution.

§ 64. By-laws.—The managers may establish by-laws regulating the appointment and duties of officers, teachers, attendants and assistants; fixing the conditions of admission, support and discharge of pupils; and for conducting in a proper manner the business of the institution; and ordain and enforce a suitable system of rules and regulations for the internal government, discipline and management of the institution.

§ 65. Duties of superintendent.—The superintendent shall be the chief executive officer of the institution. He shall, subject to the provisions of the board of managers and the by-laws and regulations established by them,

1. Have the general superintendence of the buildings, grounds and farm, with their furniture, fixtures and stock, and the direction and control of all persons employed in and about the same;

2. Appoint a steward, medical assistant and a matron, who, with the superintendent, shall constantly reside in the institution or upon premises adjoining, and shall be termed the resident officers thereof;

3. Employ such teachers, attendants and assistants as he may think proper and necessary to economically and efficiently carry into effect the design of the institution; prescribe their several duties and places, fix their compensation, and discharge any of them;

4. Give, from time to time, such orders and instructions as he may deem best calculated to induce good conduct, fidelity and economy, in any department of labor and expense.

5. Maintain salutary discipline among all who are in the employ of the institution, and enforce strict compliance with his instructions, and uniform obedience to all the rules and regulations of the institution;

6. Cause full and fair accounts and records of all his doings, and of the entire business and operations of the institution, with the condition and prospects of the pupils to be kept regularly, from day to day, in books provided for the purpose;



7. See that such accounts and records shall be fully made up to the first days of April and October in each year, and that the principal effects and results, with his report thereon, be presented to the board at its semi-annual meetings;

8. Conduct the official correspondence of the institution and keep a record of the applications received, and the pupils admitted;

9. Prepare and present to the board at its annual meetings, when required, an inventory of all the personal property and effects belonging to the institution;

10. Account, when required, for the careful keeping and economical use of all furniture, stores and other articles furnished for the institution;

11. Enter in a book to be provided and kept for that purpose, at the time of the admission of each pupil to the institution, a minute, with the date, name, residence of the pupil, and of the persons on whose application he is received; with a copy of the application, statement, certificate, and all other papers accompanying such pupil; the originals of which he shall file and carefully preserve.

§ 66. Duties of treasurer.—The treasurer shall,

1. Have the custody of all moneys, notes, mortgages and other securities and obligations belonging to the institution;

2. Keep a full and accurate account of all receipts and payments, as directed in the by-laws, and such other accounts as shall be required of him by the managers.

3. Balance all the accounts on his book on the first day of each October, and make a statement thereof, and an abstract of all the receipts and payments of the past year; and, within three days thereafter, deliver the same to the auditing committee of the managers, who shall compare the same with his books and vouchers, and verify the same by a further comparison with the books of the superintendent, and certify the correctness thereof to the managers at their annual meeting;

4. Render a quarterly statement of his receipts and payments to such auditing committee, who shall, in like manner as above compare, verify, report and certify the result thereof to the managers at their annual meeting, who shall cause the same to be recorded in one of the books of the institution;

5. Render a further account of the state of his books and of the funds and other property in his custody, whenever required by the managers;

6. Receive for the use of the institution any and all sums of money which may be due upon any notes or bonds in his hands belonging to the institution, any and all sums charged and due to the institution for the support of any pupil therein, or for actual disbursements made in his behalf for necessary clothing and traveling expenses;

7. Prosecute an action in his name as such treasurer, to recover any sum of money that may be due or owing to the institution;

8. Execute a release and satisfaction of a mortgage, judgment or other lien, in favor of the institution, when paid, so that the same may be discharged from record.

§ 67. Semi-annual meetings and records of board of managers.—The board of managers shall maintain an effective inspection of the affairs and management of the institution, for which purpose they shall meet at the institution twice in each year, at such times as the by-laws shall provide. The resident officers shall admit the managers into every part of the institution, and shall exhibit to them on demand the books, papers, accounts and writings belonging to the institution, and shall furnish copies, abstracts and reports whenever required by the managers.

A committee of three managers to be appointed by the board at the annual meeting thereof, shall visit the institution once in every month, and perform such other duties and exercise such other powers as shall be prescribed in the by-laws, or the board may direct. The board shall keep in a bound book, to be provided for the purpose, a fair and full record of all its doings, which shall be open at all times to the inspection of its members, and all persons whom the governor and either house of the legislature may appoint to examine the same.

§ 68. Manner of receiving pupils.—There shall be received and gratuitously supported in the institution one hundred and twenty feeble-minded children, as state pupils, who shall be selected from those whose parents or guardians are unable to provide for their support, in equal numbers as far as may be, from each judi-

cial district. Such additional number of feeble-minded children as can be conveniently accommodated shall be received into the institution on such terms as shall be just.

If the number of feeble-minded children admitted shall not equal the capacity of the institution, such additional number of nonteachable idiots may be admitted as can be conveniently accommodated.

Feeble-minded children shall be received into the institution upon the written request of the person by whom they are sent, stating the name in full, age, place of nativity, if known, the town, city or county in which each resides, and whether such child, his parents or guardian, are able to provide for his support, in whole or in part, and if in part only what part, the degree of relationship or other circumstances of connection between him and the person requesting his admission, which statement must be verified by the affidavit of two disinterested persons, residents of the same county as the child and acquainted with the facts and circumstances stated, and certified to be credible by the county judge of the county.

Such judge must also further certify that such child is an eligible and proper candidate for admission to such institution.

Feeble-minded children may also be received into such institution upon the official application of a county superintendent of the poor, or the commissioners of charity of a city of the state having such officers.

In the admission of feeble-minded children, preference shall be given to poor or indigent children over all others, and to such as are able or have parents able to support them only in part, over those who are or who have parents who are able to wholly support such children.

§ 69. Discharge of state pupils and payment of expenses.—When the manager shall direct a state pupil to be discharged from the institution, the superintendent thereof may return him to the county from which he was sent, and deliver him to the keeper of the almshouse thereof, and the superintendent of the poor of the county shall audit and pay the actual and reasonable expenses of such return. If any town, county or person is legally liable for the support of such pupil, such expenses may be re-

covered by action in the name of the county by such superintendent of the poor. If the superintendent of the poor neglect or refuse to pay such expenses on demand, the treasurer of the institution may pay the same and charge the amount to the county; and the treasurer of the county shall pay the same with interest after thirty days, out of any funds in his hands not otherwise appropriated; and the supervisors shall raise the amount so paid as other county charges.

§ 70. Expense of clothing state pupils.—The supervisors of any county from which state pupils may have been received shall cause to be raised annually, while such pupils remain in the institution, the sum of thirty dollars for each pupil, for the purpose of furnishing suitable clothing, which shall be paid to the treasurer of the institution on or before the first day of April.

The superintendent may agree with the parent, guardian or committee of a feeble-minded child, or with any person, for the support, maintenance and clothing of such a child at the institution, upon such terms and conditions as may be prescribed, in the by-laws, or approved by the managers. Every parent, guardian, committee, or other person applying for the admission into the institution of a feeble-minded child who is able, or whose parents or guardians are of sufficient ability to provide for his maintenance therein, shall at the time of his admission, deliver to the superintendent an undertaking, with one or more sureties, to be approved by the managers, conditioned for the payment to the treasurer of the institution of the amount agreed to be paid for the support, maintenance and clothing of such feeble-minded child, and for the removal of such child from the institution without expense thereto, within twenty days after the service of the notice hereinafter provided. If such child, his parents or guardians are of sufficient ability to pay only a part of the expense of supporting and maintaining him, such undertaking shall be only for his removal from the institution as above mentioned; and the superintendent may take security by note or other written agreement, with or without sureties, as he may deem proper, for such part of such expenses as such child, his parents or guardians are able to pay, subject, however, to the approval of the managers in the manner that shall be prescribed in the by-

laws. Notice to remove a pupil shall be in writing, signed by the superintendent and directed to the parents, guardians, committee or other person upon whose request the pupil was received at the institution, at the place of residence mentioned in such request, and deposited in the post-office at Syracuse with the postage prepaid.

If the pupil shall not be removed from the institution within twenty days after service of such notice, according to the conditions of the agreement and undertaking, he may be removed and disposed of by the superintendent as herein provided, in relation to state pupils, and the provisions of this article respecting the payment and recovery of the expenses of the removal and disposition of a state pupil, shall be equally applicable to expenses incurred under this section.

#### ARTICLE V.

##### STATE CUSTODIAL ASYLUM FOR FEEBLE-MINDED WOMEN.

Section 80. Established as a corporation.

81. Board of managers.

82. Officers.

83. Treasurer to give undertaking.

Section 80. Established as a corporation.—The asylum established at Newark, Wayne county, for feeble-minded women is hereby continued as a body corporate and shall be known as the State Custodial Asylum for Feeble-Minded Women.

§ 81. Board of managers.—Such asylum shall continue to have a board of nine managers, three of whom shall be women, and shall be appointed by the governor, by and with the consent of the senate, for six years, except appointments to fill vacancies, which shall be for the unexpired term. The board of managers shall have the custody and control of all property and power to make all rules for the management and control of the effects of the asylum.

§ 82. Officers.—The board of managers shall appoint, of their number, a president, a secretary and a treasurer. They shall appoint a superintendent, a matron, and employ all assistants that may be necessary for the proper management of the asylum.

§ 83. Treasurer to give undertaking.—The treasurer shall, before he receives any money, give an undertaking to the people of the state, with such sureties and in such amount as the board of managers shall require and to be approved by the comptroller, to the effect that he faithfully perform his trust as such treasurer.

## ARTICLE VI.

### ROME STATE CUSTODIAL ASYLUM.

Section 90. Asylum for the feeble-minded and idiots.

91. Appointment of managers.

92. Powers and duties of managers.

93. Superintendent, qualifications, powers and duties.

94. Commitment to asylum, maintenance.

Section 90. Asylum for feeble-minded persons and idiots.—The asylum established at Rome for the custody, maintenance, training and treatment of the custodial class of feeble-minded persons and idiots is hereby continued and shall be known as the Rome state custodial asylum. (*As amended by chapter 462 of the Laws of 1904.*)

§ 91. Appointment of managers.—Such asylum shall be under the control and management of a board of eleven managers, appointed by the governor, by and with the advice and consent of the senate and whose term of office shall be six years. The managers now in office shall hold their offices until the expiration of the terms for which they were respectively appointed, or until their successors are appointed and have qualified. They may be removed by the governor, upon charges preferred against them in writing, after an opportunity given them to be heard thereon. They shall appoint one of their number as president, another as vice-president and another as secretary. (*As amended by chapter 462 of the Laws of 1904.*)

§ 92. Powers and duties of managers.—The board of managers shall,

1. Have the general direction and control of all the property and concerns of the asylum, take charge of its general interests and see that its design is carried into effect, according to law, and its by-laws, rules and regulations.

2. Establish by-laws, rules and regulations, subject to the approval of the state board of charities, for the internal government, discipline and management of the asylum.

3. Maintain an effective inspection of the asylum for which purpose, a majority of the managers shall visit the asylum at least once in every two months, and at such other times as may be prescribed in the by-laws. The superintendent or other officer in charge shall admit such managers or manager into every part of the asylum and its buildings and exhibit to them on demand all the books, accounts and writings belonging to the asylum and pertaining to its interests, and furnish copies, abstracts and reports whenever required by them.

4. Annually report to the legislature for the preceding fiscal year the affairs and conditions of the asylum with full and detailed estimates of the next appropriations required for maintenance and ordinary uses and repairs, and of special appropriations, if any, needed for extraordinary repairs, renewals, extensions, improvements, betterments or other necessary objects.

5. If lands are required for the use of the asylum, acquire the same by purchase, gift or condemnation.

*(As amended by chapter 462 of the Laws of 1904.)*

§ 93. Superintendent, qualifications, powers and duties.—The superintendent shall be appointed by the board of managers in accordance with the laws of this state after a civil service examination which shall be held upon the lines of qualification, experience and training herein provided within two months after the passage of this act. He shall be a resident of this state a well educated physician and graduate of a legally incorporated medical college, and shall have had a suitable experience and training of not less than three years in the care and treatment of the mentally defective classes, epileptic or insane. He shall be the chief executive officer of the asylum, and shall manage the institution in conformity to rules and regulations adopted by the board of managers. He shall appoint the assistant physicians, steward, clerk, a bookkeeper, matron and all subordinate employes, and he shall discharge them, when in his judgment, it may be necessary to do so, for the good of the institution. *(As amended by chapter 462 of the Laws of 1904.)*

§ 94. Commitments to asylum; maintenance.—The superintendents of the poor of the various counties of the state may commit to such asylum, if vacancies exist therein, such feeble-minded persons and idiots residing in their respective counties, who are indigent or inmates of county almshouses, according to the by-laws and regulations of the asylum. All commitments shall be in the form prescribed by the board of managers. Insane idiots or epileptics shall not be committed to such asylum. Feeble-minded persons and idiots other than the poor and indigent may be admitted to the asylum, if vacancies exist, after providing for the care and custody of the poor and indigent feeble-minded persons and idiots, at a rate which shall not exceed the weekly per capita cost of maintaining all inmates as determined yearly by the board of managers. The maintenance of the institution and the poor and indigent inmates thereof shall be a charge upon the state. (*As amended by chapter 462 of the Laws of 1904.*)

## ARTICLE VII.

### THE CRAIG COLONY FOR EPILEPTICS.

#### Section 100. Establishment and objects of colony.

101. Managers of the colony.
102. Buildings and improvements.
103. Powers and duties of managers.
104. Annual report; state board of charities.
105. Donations in trust.
106. Officers of the colony.
107. Duties of the superintendent.
108. Duties of treasurer.
109. Designation and admission of patients.
110. Support of state patients.
111. Apportionment of state patients.
112. The support of private patients.
113. Discharge of patients.
114. Notice of opening of colony.
115. Reimbursement for maintenance expenses.

Section 100. Establishment and objects of colony.—The colony for epileptics established at Sonyea, Livingston county, is hereby continued, and shall be known as the Craig Colony for



Epileptics, in honor of the late Oscar Craig, of Rochester, New York, whose efficient and gratuitous public services in behalf of epileptics and other dependent unfortunates, the state desires to commemorate. The objects of such colony shall be to secure the humane, curative, scientific and economical care and treatment of epileptics, exclusive of insane epileptics.

§ 101. Managers of the colony.—There shall be a board of twelve managers of the Craig colony, all of whom shall be citizens of the state, appointed by the governor, by and with the advice and consent of the senate, one from each judicial district and one additional member from each of the fifth, sixth, seventh and eighth judicial districts. The term of office of each manager hereafter appointed to succeed a manager whose term has expired shall be three years, and the term of office of four of such managers shall expire annually. The managers in office when this chapter takes effect shall continue in office until the expiration of the term for which they were appointed and until their successors are appointed and have qualified. Appointments to fill vacancies occurring by death, removal or resignation, shall be made without unnecessary delay for the unexpired term. Failure of any manager to attend in each year the whole of two stated meetings of the board, shall be a sufficient cause for removal by the governor. Any manager may be removed by the governor upon written charges preferred against him, after an opportunity to be heard in his defense. The managers shall receive no compensation for their services, but shall be allowed their reasonable traveling and official expenses, to be paid as other charges against the institution.

§ 102. Buildings and improvements.—The board of managers shall put the premises conveyed to the state for the use of the colony into proper condition for the reception of patients and shall receive patients gradually and as rapidly as the condition of the colony will admit. They shall utilize all buildings and improvements on the land so conveyed, and construct such additional buildings and make further improvements upon plans adopted by them and approved by the state board of charities and for which appropriations are made by the legislature. There shall be provided for such colony an abundant supply of

wholesome water, sufficient means for drainage and the disposal of sewage in a proper sanitary system. All of which shall be done under the direction of the board of managers in accordance with plans adopted by them, and approved by the state board of charities.

§ 103. Powers and duties of managers.—Six members of the board of managers shall constitute a quorum for the transaction of business. The board shall:

1. Elect from their number a president and secretary, and may adopt a seal for the use of the colony.

2. Have the government, direction and control of the patients, officers and employes of the colony and of all the property and concerns thereof.

3. Purchase supplies for the use of the colony and such raw materials as may be necessary for the trades and industries pursued therein, and provide for the disposal of the manufactured products and the product of the land.

4. Employ the assistants necessary for the government of the colony, and to educate and properly use the labor of the patients.

5. Establish such by-laws, rules and regulations as they may deem necessary regulating the appointment, powers and duties of officers, teachers, attendants and assistants, fixing the condition of admission, treatment, education, support, custody, discipline and discharge of patients, conducting in a proper manner the business of the colony, and regulating the internal government, discipline and management of the colony.

6. Maintain an effective inspection of the affairs and management of the colony, for which purpose they shall meet at the institution at least four times in each year and at such other times as the by-laws shall prescribe. Their annual meeting shall be held on the second Tuesday of October.

7. Appoint at its annual meeting, a committee of three managers, who shall visit the colony at least once in every month, and perform such other duties and exercise such other powers as are prescribed in the by-laws, or directed by the board.

8. Copy in a bound book, a fair and full record of all its proceedings, which shall be open at all times to the inspection of its

members and officers of the state board of charities, and all persons whom the governor or either house of the legislature may appoint to examine the same. (*As amended by chapter 359 of the Laws of 1898.*)

§ 104. Annual report; state board of charities.—The board of managers of the Craig colony shall annually, on or before the first day of November, for the preceding fiscal year, report to the state board of charities the affairs and conditions of the colony, with full and detailed estimates of the next appropriation required for maintenance and ordinary uses and repairs, and of special appropriations, if any, needed for extraordinary repairs, renewals, extensions, improvement, betterments or other necessary objects, as also for the erection of additional buildings needed by reason of overcrowding, and in order to prevent the same, or to meet the need of sufficient accommodations for patients seeking admission to the colony; and the state board of charities shall, in its annual report to the legislature, certify what appropriations are, in its opinion, necessary and proper. The said colony shall be subject to the visitation and to the general powers of the state board of charities.

§ 105. Donations in trust.—The managers may take and hold in trust for the state any grant or devise of land, or any gift or bequest of money or other personal property, or any donation, to be applied, principal or income, or both, to the maintenance and education of epileptics and the general uses of the colony.

§ 106. Officers of the colony.—The board of managers shall appoint a superintendent of the colony, who shall be a well-educated physician and a graduate of a legally chartered medical college, with an experience of at least five years in the actual practice of his profession, and who shall be certified as qualified by the civil service commission, after a competitive examination, and an agent who shall also be the treasurer of the colony and shall give an undertaking to the people of the state for the faithful performance of his trust, in such sum and form and with such sureties as the comptroller shall approve. Such officers may be discharged or suspended at any time by such board, in its discretion. The superintendent shall constantly reside in the colony. (*As amended by chapter 459 of the Laws of 1905.*)

§ 107. Duties of the superintendent.—The superintendent shall be the chief executive officer of the colony, and subject to the supervision and control of the board of managers; he shall:

1. Oversee and secure the individual treatment and personal care of each and every patient of the colony while resident therein and the proper oversight of all the inhabitants thereof.

2. Have the general superintendence of the buildings, grounds and farm, with their furniture, fixtures and stock, and the direction and control of all persons employed in and about the same.

3. Give, from time to time, such orders and instructions as he may deem best calculated to induce good conduct, fidelity and economy in any department of labor or education or treatment of patients.

4. Appoint a steward and a matron and employ a bookkeeper and such teachers, assistants and attendants as he may think necessary to economically and efficiently carry into effect the design of the colony; prescribe their duties and places, and, subject to the approval of the board of managers, fix their compensation. The steward and matron shall reside in the colony.

5. Maintain salutary discipline among all employes, patients and inhabitants of the colony, have the custody and control of every patient admitted to the colony until properly discharged, and subject to the regulations of the managers, restrain and discipline any patient in such manner as he may judge is for the welfare of the patient and the proper conduct of the colony, and enforce strict compliance with the instructions and uniform obedience to all the rules and regulations of the colony. (*As amended by chapter 359 of the Laws of 1898.*)

6. Cause full and fair accounts and records of the entire business and operations of the colony, with the conditions and prospects of the patients, to be kept regularly, from day to day, in books provided for that purpose.

7. See that such accounts and records shall be fully made up to the first days of January, April, July and October, in each year, and that the principal facts and results, with the report thereon, be presented to the board of managers at its quarterly meetings.

8. Conduct the official correspondence of the colony, and keep a record or copy of all letters written by himself and by his

clerks and agents, and files of all letters received by him or them.

9. Prepare and present to the board, at its annual meeting, a true and perfect inventory of all the personal property and effects belonging to the colony, and account, when required by the board, for the careful keeping and economical use of all furniture, stores and other articles furnished for the colony.

10. Keep a record of all applications for admission of patients, and enter in a book to be provided and kept for that purpose, at the time of admission of each patient to the colony, a minute, with the date, name, residence of the patient, and of the persons on whose application he is received, with a copy of the application, statement, certificate, and all other papers received relating to such epileptic patient, the originals of which he shall file and carefully preserve, and certified copies whereof he shall forthwith transmit to the state board of charities.

11. Have power, subject to the supervision and control of the board of managers, in case of the death of any patient at such institution who shall have been maintained therein wholly at public expense, to make or cause to be made at the said Craig colony by a member or members of its medical staff an autopsy on the body of such patient, provided that such autopsy be made not later than twelve hours after the death of such patient and that it be confined exclusively to the brain and made in such manner as will cause the least possible mutilation, and provided also that the said Craig colony shall print conspicuously upon all application blanks used in admitting patients to the institution the fact that the officers of said colony have the above stated powers in relation to the making of autopsies. (*As added by chapter 545 of the Laws of 1904 and amended by chapter 458 of the Laws of 1905.*)

§ 108. Duties of agent in the capacity of treasurer.—The agent in the capacity of treasurer among his other duties, shall:

1. Have the custody of all moneys received from the comptroller for the use of the colony, and all other money, notes, mortgages and other securities and obligations belonging to the colony.

2. Keep a full and accurate account of all receipts and payments as provided by law, and such other accounts as shall be required of him by the managers.

3. Balance all the accounts on his books on the first day of each October, and make a statement thereof and an abstract of all the receipts and payments of the past year; and within five days thereafter deliver the same to the auditing committee of the managers, who shall compare the same with his books and vouchers, and verify the same by the comparison with the books of the superintendent, and certify the correctness thereof to the managers at their annual meeting.

4. Render a quarterly statement of his receipts and payments to such auditing committee who shall, in like manner as above, compare, verify, report and certify the result thereof, to the managers at their annual meeting, who shall cause the same to be recorded in one of the books of the colony.

5. Render a further account of the state of his books and of the funds and other property in his custody, whenever required by the managers.

6. Receive for the use of the colony, money which may be paid upon obligation or securities in his hands belonging to the colony; and all sums paid to the colony for the support of any patient therein, or, for actual disbursements made in his behalf for necessary clothing and traveling expenses; and money paid to the colony from any other source.

7. Prosecute an action in the name of the colony to recover money due or owing to the colony, from any source; including the bringing of suit for breach of contract between private patients or their guardians and the managers of the colony.

8. Execute a lease and satisfaction of a mortgage, judgment, lien or other debt when paid.

9. Pay the salaries of the superintendent, treasurer, matron, steward, and of all employes of the colony, and the disbursements of the officers and members of the board as aforesaid, as provided by law.

*(As amended by chapter 459 of the Laws of 1905.)*

§ 109. Designation and admission of patients.—There shall be received and gratuitously supported in the colony, epileptics residing in the state, who, if of age, are unable, or, if under age,

whose parents or guardians are unable to provide for their support therein; and who shall be designated as state patients. Such additional number of epileptics as can be conveniently accommodated shall be received into the colony by the managers on such terms as shall be just, and shall be designated as private patients. Epileptic children shall be received into the colony only upon the written request of the persons desiring to send them, stating the name, age, place of nativity, if known, the town, city or county in which such children respectively reside, and the ability of their respective parents, or guardians or others to provide for their support in whole or in part, and if in part only, stating what part; and stating also the degree of relationship or other circumstances of connection between the patients and the persons requesting their admission; which statement in all cases of state patients must be verified by the affidavits of the petitioners and of two disinterested persons, and accompanied by the opinion of a qualified physician, all residents of the same county with the epileptic patient, and acquainted with the facts and circumstances stated, and who must be certified to be credible by the county judge or surrogate of the county; and such judge or surrogate must also certify, in each case, that such state patient, in his opinion, is an eligible and proper candidate for admission to the colony. State patients may also be received into the colony upon the official application of a county superintendent of the poor, or of the poor authorities of any city.

It shall be the duty of the superintendent of the poor in every county and of the poor authorities of every city to furnish annually to the state board of charities, a list of all epileptics in their respective jurisdictions, so far as the same can be ascertained, with such particulars as to the condition of each epileptic as shall be prescribed by the said state board. Whenever an epileptic shall become a charge for his or her maintenance on any of the towns, cities or counties of this state, it shall be the duty of all poor authorities of such city, and of the county superintendents of the poor, and of the supervisors of such county, to place such epileptic in the said colony. Any parent, guardian or friend of an epileptic child within this state may make application to the poor authorities of any city, or the superintendent

of the poor of any county or the board of supervisors or any supervisor of any town, ward or city where such child resides, showing by satisfactory affidavit or other proof that the health, morals, comfort or welfare of such child may be endangered or not properly cared for if not placed in such colony; and thereupon it shall be the duty of such officer or board to whom such application may be made to place such child in said colony. The board of supervisors shall provide for the support of such patients, except those properly supported by the state, and may recover for the same from the parents or guardians of such children. In the admission of patients preference shall always be given to poor or indigent epileptics, or the epileptic children of poor or indigent persons, over all others; and preference shall always be given to such as are able to support themselves only in part, or who have parents able to support them only in part, over those who are able or who have parents who are able wholly to furnish such support.

§ 110. Support of state patients.—State patients shall be provided with proper board, lodging, medical treatment, care and tuition; and the managers of the colony shall receive for each state patient supported therein a sum not exceeding two hundred and fifty dollars per annum; which payments, if any, shall be made by the treasurer of the state, on the warrant of the comptroller, to the treasurer of said colony, on his presenting the bill of the actual time and number of patients in the colony, signed and verified by the superintendent and treasurer of the colony and by the president and secretary of its board of managers. The supervisors of any county from which such patients may have been received into the colony shall cause to be raised annually while such patients remain in the colony, the sum of thirty dollars for each of such state patients for the purpose of furnishing suitable clothing, and the same shall be paid to the treasurer of the colony on or before the first day of April of each year.

§ 111. Apportionment of state patients.—Whenever applications are made at one time for admission of more state patients than can be properly accommodated in the colony, the managers shall so apportion the number received, that each county may be represented in a ratio of its dependent epileptic population to



the dependent epileptic population of the state, as shown by statistics furnished by the state board of charities.

§ 112. The support of private patients.—The superintendent of the colony may agree with any epileptic who may be of age, or his committee or guardian, or with the parents, guardian or committee of any epileptic child, or with any person for the entire or partial support, maintenance, clothing, tuition, training, care and treatment of such epileptic in the colony, on such terms and conditions as may be prescribed in the by-laws or approved by the managers. Every patient, guardian, committee or other person applying for the admission into the colony of an epileptic who is, or whose parents or guardians are of sufficient ability to provide for his support and maintenance therein, shall at the time of his admission, execute a bond to the treasurer of the colony with one or more sureties, to be approved by the superintendent and treasurer, in such sum as the managers shall prescribe, to the effect that the obligers will pay to the treasurer of the colony all sums of money at such time or times as shall be so agreed upon, and remove such epileptic from the colony free of expense to the managers within twenty days after the service of the notice hereinafter provided for. If such epileptic, his parents or guardian are of sufficient ability to pay only a part of the expenses of supporting and maintaining him at the institution, such undertaking shall be only for such partial support and maintenance and for removal from the institution as above mentioned; and the treasurer may take security by such obligation or in his discretion by note or other written agreement, with or without sureties, as he may deem proper for such part of such expenses as the epileptic, his parents or guardians are able to pay; but such exercise of discretion shall be with the approval of the superintendent and a committee of the managers in a manner that shall be prescribed in the by-laws. Notice to remove a patient shall be in writing, signed by the superintendent and directed to the epileptic, his parents, guardian, committee or other person upon whose request the patient was received at the colony, at the place of residence mentioned in such request, and deposited in the post-office at Sonyea or any post-office in Livingston county, with the postage prepaid.

§ 113. Discharge of patients.—The superintendent of the colony, with the approval of the managers or of a committee thereof, shall have power to discharge patients, but no epileptic patient shall be returned to any poorhouse, directly through a superintendent of the poor, or otherwise. In case a patient, not an epileptic, shall be sent to the colony, through mistaken diagnosis of his disease, or other cause, and there received, such patient shall be returned to and the traveling expenses of such return shall be paid by the person who sent him or her to the colony. Should an epileptic become insane, such patient, if a state patient, shall be sent to the state hospital of the district of which he was a resident just prior to his admission to the colony in the manner prescribed by law. The bills for the reasonable expenses incurred in the transportation of state patients to and from the state hospitals after they have been approved in writing by the state commission in lunacy, shall be paid by the treasurer of the state on the warrant of the comptroller from the funds provided for the support of the state hospitals. In case the relatives, guardians or friends of such an insane patient desire that he become an inmate of any state hospital situated beyond the limits of the district of which he was formerly a resident, and there be sufficient accommodations in such state hospital, he shall be received there in the manner provided by law for the transfer of other insane persons. Private patients, who may become insane, shall be committed, as prescribed by law, subject to the regulations of the state commission in lunacy, to such institution for the insane as may be designated by the relatives, guardians or friends of such insane person, all traveling and other expenses of removal to be paid by them. After any patient has been delivered to the managers or officers of such hospital or institution, the care and custody of the managers of the colony over such insane person shall cease; and after any patient shall as aforesaid, be so certified to be insane as prescribed by law, such patient shall come under the supervision of the state commission in lunacy.

§ 114. Notice of opening of colony.—So soon as the colony shall be ready for the reception of patients, it shall be the duty of the board of managers officially to send notice of such fact to the county clerks and the clerks of the boards of supervisors of

the respective counties of the state, and the secretary of the state board of charities; and to furnish such clerks of counties and boards of supervisors with suitable blanks for the commitment of epileptics to such colony.

§ 115. Reimbursement for maintenance expenses.—The agent appointed as provided in this article shall secure from relatives or friends who are liable therefor, or who may be willing to assume the cost of maintenance of any inmate therein, who is not maintained as a private patient, reimbursement in whole or in part of the money expended by the state for such purpose. Such agent shall perform such other duties as the board of managers may prescribe. If the board of managers believes that any inmate of such colony, not maintained therein as a private patient, has any property, or that any relative who would be liable for his support if he were not an inmate of such institution is of sufficient ability to wholly or partly provide for his maintenance therein, such board of managers may apply to a justice of the supreme court of the judicial district in which such institution is located for an order directing the application of the property of such inmate to his maintenance in such institution, or requiring the relatives so liable for his support to pay to such institution at the time specified in such order a stated amount for such maintenance. At least ten days' notice of the application of such order shall be given to such persons and in such manner as such justice shall direct, and such order shall be granted only after a hearing of parties interested who appear and desire to be heard. The relatives against whom such proceeding is instituted and who are served with the notice of the application for the order shall be deemed to be of sufficient ability, unless the contrary shall affirmatively appear to the satisfaction of such justice. If more than one relative is liable for the support of such inmate and is of sufficient ability to contribute to the expense of his maintenance in such institution, such order shall determine the portion of the expense of his maintenance to be paid by each. If the property of such inmate is not applied as directed in such order, or the relatives liable for the support of such inmate refuse or neglect to comply with such order, the board of managers of such colony may bring an

action in the name of such institution to recover the amount due such institution by virtue of such order. (*As amended by chapter 459 of the Laws of 1905.*)

ARTICLE VIII.

\*INSTITUTIONS FOR JUVENILE DELINQUENTS.

Section 120. State industrial school; managers.

121. Managers of House of Refuge for Juvenile Delinquents in New York city.

122. Powers and duties of managers.

123. Superintendent.

124. Commitment of children.

125. Register.

126. Discipline and control of inmates.

127. Military drill.

128. Transfer of inmates to penitentiary or Elmira reformatory.

129. Confinement of juvenile delinquents under sentences by the courts of the United States.

130. Effects of alcoholic drinks and narcotics to be taught.

131. Establishing New York state training school for girls.

132. Appointment of managers.

132a. General powers and duties of managers.

133. General powers of superintendent.

134. Oaths and bonds.

135. Commitments; papers furnished by committing magistrates.

136. Return of females improperly committed.

137. Disposition of children of females so committed.

138. Conveyance of females committed.

139. Detentions and rearrests in cases of escape.

139a. Employment of inmates.

139b. Clothing and money to be furnished discharged inmates.

139c. Confinement of female juvenile delinquents under sentences by the courts of the United States.

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\* See also chapter 470 of the Laws of 1893, page. 88.

**Section 120. State industrial school; managers.**—The State Industrial School, at Rochester, is hereby continued for the reception of all male children, under the age of sixteen years, who shall be legally committed to such school as vagrants or on a conviction for any criminal offense by any court having authority to make such commitment. Such school shall be under the control and management of a board of fifteen managers appointed by the governor, by and with the advice and consent of the senate. Their term of office shall be three years, and they shall be so appointed that the terms of one-third shall expire on the first Tuesday of February in each year. All vacancies shall be filled by the governor and the person appointed to fill a vacancy shall hold office for the remainder of the term of the person whom he succeeds. In the discretion of the governor, persons of either sex may be appointed as managers of such school. Such managers shall serve without compensation. (*As amended by chapter 536 of the Laws of 1898 and chapter 167 of the Laws of 1904.*)

§ 121. Managers of house of refuge for juvenile delinquents in New York city.—The society for the reformation of juvenile delinquents in the city of New York shall continue to be a corporation by the name of "The managers of the society for the reformation of juvenile delinquents in the city of New York," with all the powers conferred upon it by its act of incorporation and the acts amendatory thereof, in so far as the same are not inconsistent with the provisions of this act. In addition to the governor, comptroller and attorney-general, *ex officio* managers, there shall be twenty-one managers of such society, each of whom shall hold office for the term of three years; and the managers in office when this chapter takes effect shall continue in office for the terms for which they were chosen respectively. The members of such society residing in the city of New York shall annually on the third Monday in November, by a plurality of votes, elect seven managers of such society. If a vacancy shall occur in the office of any manager, the board of managers may appoint a person to fill the vacancy for the remainder of the unexpired term. (*As amended by chapter 167 of the Laws of 1904, and chapter 613 of the Laws of 1905.*)

by such society. But no child under the age of twelve years shall be committed or sentenced to either of such institutions for any crime or offense less than felony. The courts of criminal jurisdiction in the several counties shall ascertain by such proof as may be in their power, the age of every delinquent committed to either of such institutions, and insert such age in the order of commitment and the age thus ascertained shall be deemed and taken to be the true age of such delinquent. If the court shall omit to insert in the order of commitment, the age of any delinquent committed to such school or house of refuge the managers shall as soon as may be after such delinquent shall be received by them, ascertain his age by the best means in their power, and cause the same to be entered in a book to be designated by them for that purpose, and the age of such delinquent thus ascertained shall be deemed and taken to be the true age of such delinquent. (*As amended by chapter 167 of the Laws of 1904.*)

§ 125. Register.—Upon the commitment of a delinquent to such industrial school or house of refuge, the superintendent thereof shall cause to be entered in the register kept for that purpose, the date of admission, name, age, place of birth, nationality, residence and such other facts as may be ascertained, relating to the origin, condition, peculiarity or inherited tendencies of such delinquent. (*As amended by chapter 167 of the Laws of 1904.*)

§ 126. Discipline and control of inmates.—The managers of the state industrial school shall receive and detain during minority, every male delinquent committed thereto in pursuance of law, or to the western house of refuge for juvenile delinquents, or to the house of refuge for juvenile delinquents in western New York. The managers of the house of refuge for juvenile delinquents in the city of New York, may receive and detain during minority all male delinquents committed thereto. After June one, nineteen hundred and four, no female shall be committed to or received at either the said state industrial school or the house of refuge for juvenile delinquents in the city of New York. The managers of each institution shall cause the children detained therein or under their care to be instructed in such branches of useful knowledge, and to be regularly and systematically employed in such lines of industry as shall be

suitable to their years and capacities, and shall cause such children to be subjected to such discipline, as in the opinion of such board, is most likely to effect their reformation. The managers of each institution, with the consent of any child committed thereto, may bind out as an apprentice or servant, such child during the time they would be entitled to retain him to such persons and at such places to learn such trade and employment as in their judgment will be for the future benefit and advantage of such child. (*As amended by chapter 167 of the Laws of 1904.*)

§ 127. Military drill.—The superintendent of the state industrial school, and the superintendent of the house of refuge, established by the society for the reformation of juvenile delinquents, with the approval of the respective boards of managers thereof, may institute and establish a system of rules and regulations for uniforming, equipping, officering, disciplining and drilling in military art, the inmates of such institutions, and for the exercise and drill of such inmates according to the most approved tactics, such number of hours daily as such superintendent may deem advisable. (*As amended by chapter 167 of the Laws of 1904.*)

§ 128. Transfer of inmates to penitentiary or Elmira reformatory.—If a delinquent confined in the state industrial school or the house of refuge established by the society for the reformation of juvenile delinquents, by commitment for felony, is guilty of attempting to set fire to any building belonging to either of such institutions, or to any combustible matter for the purpose of setting fire to any such building, or of openly resisting the lawful authority of an officer thereof, or of attempting to excite others to do so, or shall by gross or habitual misconduct exert a dangerous and pernicious influence over the other delinquents, the board of managers of the institution wherein such case arises shall submit a written statement of the facts to a justice of the supreme court, or, if the case arises within the state industrial school, to the county judge of the county of Monroe, and apply to him for an order authorizing a temporary confinement of such delinquent, in the Monroe county penitentiary, or if over sixteen years of age, in the Elmira reformatory; and if the case arises within the house of refuge, established by the society for the

reformation of juvenile delinquents in the city of New York, in the county jail or penitentiary of the county of New York, or if the delinquent be over sixteen years of age, to the Eastern New York reformatory, when completed, and until then to the Elmira reformatory. Such judge shall forthwith inquire into the facts, and if it appear that the statement is substantially true, and that the ends desired to be accomplished by the institution wherein the case has arisen will be best promoted thereby, he shall make an order authorizing the confinement of such delinquent in such penitentiary, county jail or reformatory for the limited time expressed in the order, and the keeper or superintendent of such penitentiary, county jail or reformatory shall receive such delinquent and detain him during the time expressed in such order. At the expiration of the time limited by such order, or sooner, if the board of managers of either of such institutions shall direct, the superintendent or keeper of such reformatory, county jail or penitentiary shall return such delinquent to the custody of the superintendent of the institution from which such delinquent shall have been received. (*As amended by chapter 167 of the Laws of 1904.*)

§ 129. Confinement of juvenile delinquents under sentences by the courts of the United States.—The superintendents of the house of refuge, established by the society for the reformation of juvenile delinquents in the city of New York, and the state industrial school at Rochester, shall receive and safely keep in their respective institutions, subject to the regulations and discipline thereof, and the provisions of this article, any male criminal under the age of sixteen years convicted of any offense against the United States, under sentence of imprisonment in any court of the United States, sitting within this state, until such sentences be executed, or until such delinquent shall be discharged by due course of law, conditioned upon the United States supporting such delinquent and paying the expenses attendant upon the execution of such sentence. (*As amended by chapter 167 of the Laws of 1904.*)

§ 130. Effects of alcoholic drinks and narcotics to be taught.—The nature of alcoholic drinks and other narcotics and their effects on the human system shall be taught in the schools con-



nected with such house of refuge established by the society for the reformation of juvenile delinquents in the city of New York and in the State Industrial school at Rochester, for not less than four lessons a week for ten or more weeks in each year. All pupils who can read shall study this subject from suitable text books, but pupils unable to read shall be instructed in it orally by teachers using text books adapted for such oral instruction as a guide and standard, and these text books shall be graded to the capacities of the pupils pursuing such course of study.

§ 131. Establishing New York state training school for girls.—The house of refuge for women at Hudson, with its board of managers and its officers and employes, is hereby continued as a reformatory institution under the name and title of the "New York state training school for girls," for the reception of all girls not over the age of sixteen years, who shall be legally committed thereto or placed in charge of such institution as vagrants or on conviction of any criminal offense by any court having authority to make such commitments or to place such girls therein. (*Added by chapter 453 of the Laws of 1904.*)

§ 132. Appointment of managers.—Such institution shall be under the control of its present board of managers, until others are appointed. Such board shall consist of six managers to be appointed by the governor, by and with the advice and consent of the senate. All such managers shall be residents of the state, two shall be women and one a physician who has practiced his profession for ten years. The terms of the managers hereafter appointed shall be six years, except that the managers appointed to fill vacancies shall hold office for the unexpired terms of the managers whom they succeed. The term of office of one of such managers shall expire each year. Where the term of office of a manager of such institution expires at a time other than the last day of December in any year, the term of office of his successor is abridged so as to expire on the last day of December, preceding the time when such term would otherwise expire, and the term of office of each manager thereafter appointed shall begin on the first day of January. The governor may remove any manager, at any time, for cause, on giving to such manager a copy of the charges against him and an opportunity to be heard in his defense. Such managers shall receive no compen-

sation for their time or services; but the actual expenses necessarily incurred by them in the performance of their official duties shall be paid in the same manner as other expenses of such institution. Nothing contained in this section shall abridge the term of any manager now in office. (*Added by chapter 453 of the Laws of 1904.*)

§ 132-a. General powers and duties of managers.—The board of managers shall have the general superintendence, management and control of the institution over which it is appointed; of the grounds and buildings, officers and employes thereof; of the inmates therein, and of all matters relating to the government, discipline, contracts and fiscal concerns thereof, and may make such rules and regulations as may seem to them necessary for carrying out the purposes of such institution. The board of managers of such institution shall appoint from among its members a president, secretary, and treasurer, who shall hold office for such length of time as such board may determine. They shall appoint a female superintendent, who shall hold office during the pleasure of the board. The board of managers shall fix the compensation of the officers and employes of the institution. The managers of such institution shall cause the females detained therein or under their care to be instructed in such branches of useful knowledge, and to be regularly and systematically employed in such lines of industry as shall be suitable to their years and capacities, and shall cause such females to be subjected to such discipline, as in the opinion of such board, is most likely to effect their reformation. The managers of such institution, with the consent of any female committed thereto, may bind out as an apprentice or servant, such female during the time they would be entitled to retain her, to such persons and at such places to learn such trade and employment as in their judgment will be for the future benefit and advantage of such female. (*Added by chapter 453 of the Laws of 1904.*)

§ 133. General powers of superintendent.—The superintendent of such institution shall, subject to the direction and control of the board of managers thereof:

1. Have the general supervision and control of the grounds and buildings of the institution, the subordinate officers and employes and the inmates thereof, and of all matters related to their government and discipline.

2. Make such rules, regulations and orders, not inconsistent with law or with the rules, regulations or directions of the board of managers, as may seem to her proper or necessary for the government of such institution and its officers and employes; and for the employment, discipline and education of the inmates thereof.

3. Exercise such other powers and perform such other duties as the board of managers shall prescribe.

Such superintendent shall also have power to appoint and remove all subordinate female officers and employes, subject to the approval of the board. Under the direction of such managers, she shall receive and take into such institution all females legally committed thereto by any court or magistrate having authority to make such commitment. (*Added by chapter 453 of the Laws of 1904.*)

§ 134. Oaths and bonds.—Each manager and superintendent of such institution shall take the constitutional oath of office and the superintendent shall execute a bond to the people of this state in the sum of five thousand dollars with sureties approved by the state comptroller, which shall be filed in the office of the comptroller. The manager appointed as treasurer of such institution shall give a bond in such amount as the comptroller may direct. The comptroller may require other officers of such institution to give a bond if in his opinion the interests of the state demand it. (*Added by chapter 453 of the Laws of 1904.*)

§ 135. Commitments; papers furnished by committing magistrates.

Subdivision 1. Whenever any female not over the age of sixteen years shall be brought before any court or committing magistrate, and it shall appear to the satisfaction of such court or magistrate by the confession of such female, or by competent testimony, that such female frequents reputed houses of prostitution or assignation, or frequents the company of thieves or prostitutes, or is found associating with vicious and dissolute persons, or is wilfully disobedient to parent or guardian, and is in danger of becoming morally depraved; or is of intemperate habits, or is a vagrant or is guilty of any criminal offense, and who is not insane, nor mentally or physically incapable of being substantially benefited by the training and discipline of such institution, she may be sentenced and committed to the New York state train-

ing school for girls, or placed in charge of the board of managers thereof to be there confined under the provisions of law relating to such institution, but no person under the age of twelve years shall be committed to such institution for any crime or offense less than a felony, and no commitment made under this act which shall recite the facts upon which it is based, shall be deemed or held to be invalid by reason of any imperfection or defect in form. No person shall be committed to such institution nor placed in charge of the board of managers thereof for a definite term, but any such person may be paroled or discharged at any time after her commitment, by the board of managers of such institution. Any such female under the age of fifteen years when so committed or placed in charge of the board of managers of said school, shall not be retained therein, or in charge of such board of managers, for a longer period than until she becomes of the age of eighteen; and such females, fifteen years of age or over, when so committed, shall not be detained for a period longer than three years from the time of such commitment.

2. The board of managers of such institution shall furnish the several county clerks of the state with suitable blanks for the commitment of females thereto. Such county clerks shall immediately notify the magistrates of their respective counties of the reception of such blanks and that upon application they will be furnished to them.

3. The magistrate committing a female, pursuant to this section, shall immediately notify the superintendent of the institution to which the commitment is made of the conviction of such female, and shall cause a record to be kept of the name, age, birthplace, occupation, previous commitments, if any, and for what offenses; the last place of residence of such female, and the particulars of the offense for which she is committed. The magistrate shall also execute a warrant of commitment, which shall recite the facts upon which it is based, and the name, age, birthplace, occupation, previous commitments, if any, and for what offenses, and the last place of residence of such female. This warrant of commitment shall be delivered to a person authorized by law to accompany such female to the institution, and shall be delivered by such person to the superintendent of such institution, who shall cause the facts stated therein, and such other facts as may be directed by the board of managers,

to be entered in a book of record. This warrant of commitment shall constitute the only paper requisite to a commitment to this institution. (*As amended by chapter 225 of the Laws of 1906.*)

4. Such magistrate shall, before committing any such female, inquire into and determine the age of such female at the time of commitment, and her age as so determined shall be stated in the warrant. The statement of the age of such female in such warrant shall be conclusive evidence as to such age, in any action to recover damages for her detention or imprisonment under such warrant, and shall be presumptive evidence thereof in any other inquiry, action or proceeding relating to such detention or imprisonment. If the court or magistrate shall omit to insert in the warrant of commitment the age of any delinquent committed to such school or house of refuge, the managers shall as soon as may be after such delinquent shall be received by them, ascertain her age by the best means in their power, and cause the same to be entered in a book to be designated by them for that purpose, and the age of such delinquent thus ascertained shall be taken to be the true age of such delinquent.

(*Added by chapter 453 of the Laws of 1904, and amended by chapter 225 of the Laws of 1906.*)

§ 136. Return of females improperly committed.—Whenever it shall appear to the satisfaction of the board of managers of such institution, that any person committed thereto is not of proper age to be so committed or is not properly committed, or is insane or mentally incapable of being materially benefited by the discipline of such institution, such board of managers shall cause the return of such female to the county from which she was so committed. Such female shall be so returned in the custody of one of the persons employed by such board of managers to convey to such institution females committed thereto, who shall deliver her into the custody of the sheriff of the county from which she was committed. Such sheriff shall take such female before the magistrate making the commitment, or some other magistrate having equal jurisdiction in such county, to be by such magistrate resented for the offense for which she was committed to such institution and dealt with in all respects as though she had not been so committed. The cost and expenses of the return of such female, necessarily incurred and paid by such board of managers shall be a charge against the county from which such female was com-

mitted, to be paid by such county to such board of managers in the same manner as other county charges are collected. (*Added by chapter 453 of the Laws of 1904.*)

§ 137. Disposition of children of females so committed.—If any female committed to such institution, at the time of such commitment is a mother of a nursing child in her care under one year of age, or is pregnant with child which shall be born after such commitment, such child may accompany its mother to and remain in such institution until it is two years of age and must then be removed therefrom. The board of managers of such institution may cause such child to be placed in any asylum for children in the state and pay for the care and maintenance of such child therein at a rate not to exceed two and one-half dollars a week until the mother of such child shall have been discharged from such institution, or may commit such child to the care and custody of some relative or proper person willing to assume such care. If such female at the time of such commitment, shall be the mother of and have under her exclusive care a child more than one year of age, which might otherwise be left without proper care or guardianship, the magistrate committing such female shall cause such child to be committed to such asylum as may be provided by law for such purposes, or to the care and custody of some relative or proper person willing to assume such care. (*Added by chapter 453 of the Laws of 1904.*)

§ 138. Conveyance of females committed.—The board of managers of such institution shall employ suitable female persons to be known as marshals, to convey from the place of conviction to such institution, all females legally committed thereto, and such marshals shall have the power and authority of deputy sheriffs in respect thereto. All expenses necessarily incurred in making such conveyance shall be paid by the treasurer of the board of managers. (*Added by chapter 453 of the Laws of 1904.*)

§ 139. Detentions and rearrests in cases of escape.—The board of managers of such institution may detain therein, under the rules and regulations adopted by them, any female legally committed thereto, according to the terms of the sentence and commitment, and conditionally discharge such female at any time prior to the expiration of the term of commitment. If an inmate escape or be conditionally discharged from such institution, the board of managers may cause her to be rearrested and returned

to such institution, to be detained therein for the unexpired portion of her term, dating from the time of her escape or conditional discharge. A person employed by the board of managers of such institution to convey to such institution, females committed thereto, may arrest, without a warrant, an escaped inmate in any county in this state, and shall forthwith convey her to the institution from which she escaped; and a magistrate may cause an escaped inmate to be arrested and held in custody, until she can be removed to such institution, as in the case of her first commitment thereto. A person conditionally discharged from such institution may be arrested and returned thereto, upon a warrant issued by its president and secretary. Such warrant shall briefly state the reason for such arrest and return, and shall be directed and delivered to a person employed by such board of managers to convey to such institution females committed thereto, and may be executed by such person in any county of this state. (*Added by chapter 453 of the Laws of 1904.*)

§ 139-a. Employment of inmates.—The board of managers of such institution shall determine the kind of employment for females committed thereto and shall provide for their necessary custody and superintendence. The provisions for the safe keeping and employment of such females shall be made for the purpose of teaching such females a useful trade or profession and improving their mental and moral condition. Such board of managers may credit such females with a reasonable compensation for the labor performed by them, and may charge them with the necessary expenses of their maintenance and discipline, not exceeding the sum of two dollars per week. If any balance shall be found to be due such females at the expiration of their terms of commitment, such balance may be paid to them at the time of their discharge. To secure the safe keeping, obedience and good order of the females committed to such institution, the superintendent thereof, has the same powers as to such females, as keepers of jails and penitentiaries possess as to persons committed to their custody. (*Added by chapter 453 of the Laws of 1904.*)

§ 139-b. Clothing and money to be furnished discharged inmates.—The board of managers of such institution may, in their discretion, furnish to each inmate of such institution who shall be discharged therefrom, necessary clothing not exceeding twelve

dollars in value, or if discharged between the first day of November and the first day of April to the value of not exceeding eighteen dollars, and ten dollars in money, and a ticket for the transportation of one person from such institution to the place of conviction of such inmate, or to such other place as such inmate may designate, at no greater distance from such institution than the place of conviction. (*Added by chapter 453 of the Laws of 1904.*)

§ 139-c. Confinement of female juvenile delinquents under sentences by the courts of the United States.—The superintendent of the New York state training school for girls, at Hudson, shall receive and safely keep in such institution, subject to the regulations and discipline thereof, and the provisions of this article, any female not over the age of sixteen years convicted of any offense against the United States, under sentences of imprisonment in any court of the United States, sitting within this state, until such sentences be executed, or until such delinquent shall be discharged by due course of law, conditioned upon the United States supporting such delinquent and paying the expenses attendant upon the execution of such sentence. (*Added by chapter 453 of the Laws of 1904.*)

## ARTICLE IX.

### HOUSE OF REFUGE AND REFORMATORY FOR WOMEN.

Section 140. Names and location of house of refuge and reformatory for women.

141. Appointment of managers.
142. General powers and duties of managers.
143. Appointment and removal of officers and employes; compensation.
144. General powers of superintendents.
145. Oaths and bonds.
146. Commitments; papers furnished by committing magistrates.
147. Return of females improperly committed.
148. Disposition of children of women so committed.
149. Conveyance of women committed.
150. Detention and rearrests in case of escapes.
151. Employment of inmates.
152. Employment of counsel.



**Section 153.** Board of managers of Bedford reformatory to notify county clerks of completion thereof.

**Section 140.** Names and locations of house of refuge and reformatory for women.—The house of correction for women located at Albion is continued and shall be known as the western house of refuge for women. The reformatory for women located at Bedford is also continued and shall be known as the New York state reformatory for women. The house of refuge for women at Hudson shall be continued as the New York state training school for girls, as provided in article eight of the state charities law. No female over the age of sixteen years shall be committed to the New York state training school for girls after June first, nineteen hundred and four. All inmates of the house of refuge for women at Hudson on June first, nineteen hundred and four, unless transferred therefrom pursuant to the provisions of law, shall be subject to the custody and control of the board of managers of such institution, according to the provisions of law under which they were committed thereto. (*As amended by chapter 453 of the Laws of 1904.*)

§ 141. Appointment of managers.—Each such institution shall be under the control of its present board of managers, until others are appointed. Such boards shall consist of six managers to be appointed by the governor, by and with the advice and consent of the senate. All such managers shall be residents of the state, two shall be women and one a physician who has practiced his profession for ten years. The terms of the managers hereafter appointed shall be six years, except that the managers appointed to fill vacancies shall hold office for the unexpired term of the managers whom they succeed. The term of office of one of such managers shall expire each year. If in any such institution there be less than six managers in office when this act takes effect, the governor shall appoint additional managers to make up the number of six, who shall be so classified by him that the term of one manager shall expire each year. Where the term of office of a manager of any such institution expires at a time other than the last day of December in any year, the term of office of his successor is abridged so as to expire on the last day of December, preceding the time when such term would otherwise expire, and the term of office of each manager thereafter appointed shall begin on the first day of January.

The governor may remove any manager, at any time, for cause, on giving to such manager a copy of the charges against him and an opportunity to be heard in his defense.

Such managers shall receive no compensation for their time or services; but the actual expenses necessarily incurred by them in the performance of their official duties shall be paid in the same manner as other expenses of such institution. Nothing contained in this section shall abridge the term of any manager now in office.

§ 142. General powers and duties of managers.—Each board of managers shall have the general superintendence, management and control of the institution over which it is appointed; of the grounds and buildings, officers and employes thereof; of the inmates therein, and of all matters relating to the government, discipline, contracts and fiscal concerns thereof, and may make such rules and regulations as may seem to them necessary for carrying out the purposes of such institutions. Each board of managers shall constitute a board of parole of the institution over which it is appointed, and shall have power to parole and discharge inmates as hereinafter provided. In the consideration of the parole or discharge of any inmate of the New York state reformatory for women at Bedford, the judge or magistrate who committed any female to such institution, when he so requests in writing, shall constitute a member of such board of parole in considering and determining the matter of the parole or discharge of such female committed by him. (*As amended by chapter 165 of the Laws of 1904.*)

§ 143. Appointment and removal of officers and employes; compensation.—The board of managers of each of such institutions shall appoint from among its members a president, secretary and treasurer, who shall hold office for such length of time as such board may determine.

They shall appoint a female superintendent, who shall hold office during the pleasure of the board.

Such boards of managers shall fix the compensation of the officers and employes of the institution under their charge.

ent of each such institution shall, subject to the direction and ent of each such institution shall, subject to the direction and control of the board of managers thereof:

1. Have the general supervision and control of the grounds and buildings of the institution, the subordinate officers and employes and the inmates thereof, and of all matters relating to their government and discipline.

2. Make such rules, regulations and orders, not inconsistent with law or with the rules, regulations or directions of the board of managers, as may seem to her proper or necessary for the government of such institution and its officers and employes; and for the employment, discipline and education of the inmates thereof.

3. Exercise such other powers and perform such other duties as the board of managers may prescribe.

Such superintendents shall also have power to appoint and remove all subordinate female officers and employes, subject to the approval of the board.

§ 145. Oaths and bonds. Each manager and superintendent of such institutions shall take the constitutional oath of office and each superintendent shall execute a bond to the people of this state in the sum of five thousand dollars with sureties approved by the state comptroller, which shall be filed in the office of the comptroller. The manager appointed as treasurer of such institution shall give a bond in such amount as the comptroller may direct. The comptroller may require other officers of such institutions to give a bond if in his opinion the interests of the state demand it. (*As amended by chapter 49 of the Laws of 1900.*)

§ 146. Commitments; papers furnished by committing magistrate.

Subdivision 1.\* A female between the ages of fifteen and thirty years, convicted by any court or magistrate of petit larceny, vagrancy under subdivision three or four of section eight hundred and eighty-seven of the code of criminal procedure, habitual drunkenness, of being a common prostitute, or frequenting disorderly houses or houses of prostitution, or of a misdemeanor, and who is not insane, nor mentally or physically incapable of

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\* By section 698 of the Penal Code women between the ages of fifteen and thirty, convicted of a felony for the first time, may be committed to the Houses of Refuge for Women or to the New York State Reformatory at Bedford, to be confined under the provisions of law relating to such institutions. See page 90.

being substantially benefited by the discipline of either of such institutions, may be sentenced and committed to the western house of refuge for women at Albion or the New York state reformatory for women at Bedford, to be there confined under the provisions of law relating to such institution. Such commitments shall not be for a definite term, but any such female may be paroled or discharged at any time after her commitment by the board of managers of such institution, but shall not in any case be detained longer than three years. Such commitments to the western house of refuge for women at Albion, shall be from the fourth, fifth, sixth, seventh and eighth judicial districts; to the New York state reformatory for women at Bedford, from the first, second and third judicial districts. (*As amended by chapter 632 of the Laws of 1899, and chapters 169 and 453 of the Laws of 1904.*)

2. The board of managers of each such institution shall furnish the several county clerks of the state with suitable blanks for the commitment of women thereto. Such county clerks shall immediately notify the magistrates of their respective counties of the reception of such blanks and that upon application they will be furnished to them. (*As amended by chapter 632 of the Laws of 1899.*)

3. The magistrate committing a female pursuant to this section shall immediately notify the superintendent of the institution to which the commitment is made of the conviction of such female, and shall cause a record to be kept of the name, age, birthplace, occupation, previous commitments, if any, and for what offenses; the last place of residence of such female, and the particulars of the offense for which she is committed. A copy of such record shall be transmitted, with the warrant of commitment, to the superintendent of such institution, who shall cause the facts stated therein, and such other facts as may be directed by the board of managers, to be entered in a book of record. (*As amended by chapter 632 of the Laws of 1899.*)

4. Such magistrate shall, before committing any such female, inquire into and determine the age of such female at the time of commitment, and her age as so determined shall be stated in the warrant. The statement of the age of such female in such warrant shall be conclusive evidence as to such age, in any action

to recover damages for her detention or imprisonment under such warrant, and shall be presumptive evidence thereof in any other inquiry, action or proceeding relating to such detention or imprisonment. (*As amended by chapter 632 of the Laws of 1899, and chapters 169 and 453 of the Laws of 1904.*)

**NEW YORK CITY — UNAUTHORIZED CONVICTION OF A WOMAN AS A PUBLIC PROSTITUTE.** A woman between the ages of fifteen and thirty years cannot be held in custody in the State Reformatory at Bedford, N. Y., under L. 1899, ch. 632, upon a warrant reciting her conviction by a city magistrate of the city of New York as a "public prostitute," for, if her offense was a misdemeanor, the city magistrate had no jurisdiction of it, while, if it was conduct that tended to a breach of the peace and not a misdemeanor, he could only hold her to bail for good behavior. *Supreme Court, June, 1902, People ex rel. Clark v. New York State Reformatory for Women*, 38 N. Y. Misc. 241.

**NEW YORK CITY — CITY MAGISTRATE HAS NO JURISDICTION OF A MISDEMEANOR—CONSTRUCTION OF L. 1899, CH. 632—A STATUTORY OFFENSE, NOT DEFINED AS A FELONY, IS A MISDEMEANOR.** A woman in the city of New York, between the ages of fifteen and thirty years, duly charged with violating L. 1882, ch. 410, § 1458, in that she was "loitering on Mott street, that being a public thoroughfare and public place, soliciting and importuning men passing in or along said thoroughfare or place, for the purpose of prostitution, to the great annoyance of the people," etc., and convicted by a magistrate in the city of New York after pleading not guilty, cannot be held in custody by the state reformatory at Bedford, N. Y., as the magistrate had no jurisdiction to try the offense, the same being a misdemeanor.

The contention of the people that, because the warrant recited that the information charged the woman with "disorderly conduct and being a prostitute and soliciting men for the purpose of prostitution in the public street," she must have been convicted of being a "common prostitute," under L. 1899, ch. 632, and that such an offense is not made by that statute and is not a misdemeanor, but is only a *quasi* criminal offense to be summarily dealt with, is not tenable.

Where an offense is created by statute it must be classed as a misdemeanor unless by its definition it comes under the head of a felony. It cannot be classed as either a felony or misdemeanor but as only a *quasi* criminal offense to be summarily dealt with, unless the statute expressly so authorizes. *Supreme Court, June, 1902, People ex rel. Smith v. New York State Reformatory for Women*, 38 N. Y. Misc. 243.

**NEW YORK CITY — JURISDICTION OF MAGISTRATES — DISTINCTION BETWEEN "DISORDERLY CONDUCT" AND SUCH CONDUCT WHEN IT TENDS TO A BREACH OF THE PEACE — CONSTRUCTION OF L. 1899, CH. 632 — SUMMARY JURISDICTION OF MAGISTRATES.** There is in the law no such offense as "disorderly conduct" simply, but where a woman of the city of New York is charged with "disorderly conduct, in that she did on the 27th day of December, 1901, solicit men for the purposes of prostitution" on a named public street of said city, there is a statement of disorderly conduct that tends to a breach of the peace, within L. 1882, ch. 410, § 1458, subd. 2, still in force.

Such an offense is a misdemeanor and where the woman pleads not guilty of it a city magistrate of said city cannot convict her of the offense, as the

Court of Special Sessions of said city has exclusive jurisdiction to hear and determine all charges of misdemeanor in said city except in a case where the accused is indicted before trial or the charge is prosecuted by indictment in the manner prescribed by L. 1895, ch. 601, § 14.

The statute, L. 1899, ch. 632, permitting women between the ages of fifteen and thirty years to be sentenced to the State Reformatory at Bedford, N. Y., on being "convicted by any magistrate \* \* \* of being a common prostitute, of frequenting disorderly houses or houses of prostitution, or of a misdemeanor" was not intended to and did not create offenses or confer on magistrates of said city jurisdiction of misdemeanors or enlarge their existing jurisdiction, nor is jurisdiction of misdemeanors conferred on them by L. 1897, ch. 378, § 707.

The statutory jurisdiction of such magistrates, in regard to summary convictions, considered. *Supreme Court, June, 1902, People ex rel. Frank v. New York State Reformatory for Women*, 38 N. Y. Misc. 233; *Supreme Court, March, 1903, 80 App. Div. 448.*

CRIME — DISORDERLY CONDUCT UNDER SECTION 1458, NEW YORK CITY CONSOLIDATION ACT — COMMON PROSTITUTE — A MINOR OFFENSE — A PROSTITUTE MAY BE SUMMARILY CONVICTED BY A CITY MAGISTRATE OF NEW YORK AND PUNISHED AS PRESCRIBED IN SECTION 707 OF THE NEW YORK CITY REVISED CHARTER — SHE MAY NOT BE SENTENCED AS PRESCRIBED BY THE STATE CHARITIES LAW. Section 1458 of the Consolidation Act (Laws of 1882, chap. 410) which provides, "Every person in said city and county shall be deemed guilty of disorderly conduct that tends to a breach of the peace, who shall in any thoroughfare or public place in said city and county commit any of the following offenses, that is to say: \* \* \* (2) Every common prostitute or nightwalker loitering or being in any thoroughfare or public place for the purpose of prostitution or solicitation, to the annoyance of the inhabitants or passers-by," is still in force in the present city of New York.

The offenses mentioned in the second subdivision of section 1458 of the Consolidation Act are not misdemeanors under the common law, but are minor offenses cognizable by the city magistrates who may summarily convict the offenders.

A female, between the ages of fifteen and thirty, convicted by a police magistrate of the offense of disorderly conduct as defined in subdivision 2 of section 1458 of the Consolidation Act, may, under the provisions of section 707 of the revised charter of the city of New York (Laws of 1901, chap. 466), be fined ten dollars, confined in a workhouse or penitentiary for six months or be compelled to give a bond for good behavior. She cannot, however, be so committed under section 146 of the State Charities Law (Laws of 1896, chap. 546, as amd. by Laws of 1899, chap. 632), which provides, "A female, between the ages of fifteen and thirty years, convicted by any magistrate of petit larceny, habitual drunkenness, of being a common prostitute, of frequenting disorderly houses or houses of prostitution, or of a misdemeanor, \* \* \* may be sentenced and committed" to certain institutions for a period of three years or until discharged by the board of managers of such institutions, as that section does not relate to disorderly conduct as defined in section 1458 of the Consolidation Act, but to matters which are either misdemeanors or special proceedings of a criminal nature fully provided for by the Penal Code and by the Code of Criminal Procedure. *Supreme Court, June, 1902, People ex rel. Frank v. New York State Reformatory for Women*;

*Supreme Court, June, 1902, People ex rel. Clark v. Same, and Supreme Court, June, 1902, People ex rel. Smith v. Same, 80 App. Div. 448.*

THE STATE CHARITIES LAW—JURISDICTION OF NEW YORK CITY MAGISTRATE TO SENTENCE WOMEN TO STATE REFORMATORY AT BEDFORD UNDER SECTION 146 THEREOF—CONVICTION MUST BE FOR OFFENSES ENUMERATED THEREIN. Under section 146 of the State Charities Law (L. 1896, ch. 546, as amd. By L. 1899, ch. 632), providing that, "A female, between the ages of fifteen and thirty years, convicted by any magistrate of petit larceny, habitual drunkenness, of being a common prostitute, of frequenting disorderly houses or houses of prostitution, or of a misdemeanor, and who is not insane, nor mentally or physically incapable of being substantially benefited by the discipline of either of such institutions, may be sentenced and committed to \* \* \* the New York State Reformatory for Women at Bedford," a magistrate of the city of New York has no jurisdiction to sentence a woman to such reformatory unless she is convicted of one or more of the offenses enumerated therein; and a conviction thereunder is improper where it is impossible to determine, from the records and papers relating to the conviction and sentence returned upon writs of habeas corpus and certiorari allowed in her behalf, whether she was convicted of being a prostitute, either "public" or "common," assuming these terms to be practically synonymous, or on the charge of "disorderly conduct;" but, assuming that it is reasonably certain that the magistrate intended to convict the relator of "disorderly conduct," then the conviction is not a valid conviction for a misdemeanor, and, therefore, within the purview of the State Charities Law, unless the offense complained of constitutes a misdemeanor as defined by law; and where the record fails to show that the disorderly conduct complained of comes within the meaning of section 1458 of the Consolidation Act, which seems to have been incorporated into the Greater New York charter, or that of section 675 of the Penal Code, relating to the offense of disorderly conduct, so that it constitutes the offense of "disorderly conduct," as therein defined, and, therefore, is a misdemeanor, the relator is properly discharged from custody. *Court of Appeals, November, 1903, People ex rel. Clark v. New York State Reformatory for Women, 176 N. Y. 465; Supreme Court, June, 1902, People ex rel. Clark v. New York State Reformatory for Women, 80 App. Div. 448, affirmed.*

§ 147. Return of females improperly committed.—Whenever it shall appear to the satisfaction of the board of managers of any such institution, that any person committed thereto is not of proper age to be so committed or is not properly committed, or is insane or mentally incapable of being materially benefited by the discipline of any such institution, such board of managers shall cause the return of such female to the county from which she was so committed. Such female shall be so returned in the custody of one of the persons employed by such boards of managers to convey to such institutions women committed thereto, who shall deliver her into the custody of the sheriff of the county from which she was committed. Such sheriff shall take such

female before the magistrate making the commitment, or some other magistrate having equal jurisdiction in such county, to be by such magistrate resented for the offense for which she was committed to any such institution and dealt with in all respects as though she had not been so committed.

The cost and expenses of the return of such female, necessarily incurred and paid by any such board of managers shall be a charge against the county from which such female was committed, to be paid by such county to such board of managers in the same manner as other county charges are collected.

§ 147-a. Transfers to other institutions.—If at any time there shall be more inmates in any of such institutions than can be properly cared for therein, the board of managers shall so inform the state board of charities. The state board of charities may thereupon authorize and direct the transfer of such excess, or any part of such excess of inmates to such one of the other houses of refuge or state reformatories as the state board of charities may designate. The said board of managers shall thereupon transfer to such other institution such number of inmates, preferably those last received by such institution. Such transfers shall be made as follows: The board of managers shall advise the superintendent of the institution so designated of the number to be so transferred, and this officer shall cause them to be taken to such institution and receive and keep them according to their sentences respectively, the same as if they had been originally sentenced thereto. With the inmates so transferred there shall be furnished certified copies of their sentences and commitments. (*Added by chapter 169 of the Laws of 1904.*)

§ 148. Disposition of children of women so committed.—If any woman committed to any such institution, at the time of such commitment is a mother of a nursing child in her care under one year of age, or is pregnant with child which shall be born after such commitment, such child may accompany its mother to and remain in such institution until it is two years of age and must then be removed therefrom.

The board of managers of any such institution may cause such child to be placed in any asylum for children in this state and pay for the care and maintenance of such child therein at a rate not to exceed two and one-half dollars a week, until the mother  
! such child shall have been discharged from such institution,



or may commit such child to the care and custody of some relative or proper person willing to assume such care.

If such woman, at the time of such commitment, shall be the mother of and have under her exclusive care a child more than one year of age, which might otherwise be left without proper care or guardianship, the magistrate committing such woman shall cause such child to be committed to such asylum as may be provided by law for such purposes, or to the care and custody of some relative or proper person willing to assume such care.

§ 149. Conveyance of women committed.—The board of managers of each such institutions shall employ suitable persons to be known as marshals, to convey from the place of conviction to such institution, all women legally committed thereto, and such marshals shall have the power and authority of deputy sheriffs in respect thereto. All expenses necessarily incurred in making such conveyance shall be paid by the treasurer of the board of managers. In case of the commitment of a woman, who, at the time thereof, is the mother of a nursing child or is pregnant, the board of managers shall designate a woman of suitable age and character to accompany the person so committed, along with the officer or representative, authorized in this section to be employed by such managers.

§ 150. Detentions and rearrests in cases of escapes.—The board of managers of any such institution may detain therein, under the rules and regulations adopted by them, any female legally committed thereto, according to the terms of the sentence and commitment, and conditionally discharge such female at any time prior to the expiration of the term of commitment.

If an inmate escape or be conditionally discharged from any such institution, the board of managers may cause her to be rearrested and returned to such institution, to be detained therein for the unexpired portion of her term, dating from the time of her escape or conditional discharge. A person employed by the board of managers of any such institution to convey to such institution, women committed thereto, may arrest, without a warrant, an escaped inmate in any county in this state, and shall forthwith convey her to the institution from which she escaped; and a magistrate may cause an escaped inmate to be arrested

and held in custody, until she can be removed to such institution, as in the case of her first commitment thereto.

A person conditionally discharged from any such institution may be arrested and returned thereto, upon a warrant issued by its president and secretary. Such warrant shall briefly state the reason for such arrest and return, and shall be directed and delivered to a person employed by such board of managers to convey to such institutions, women committed thereto, and may be executed by such person in any such county of this state.

§ 151. Employment of inmates.—The board of managers of each institution shall determine the kind of employment for women committed thereto and shall provide for their necessary custody and superintendence. The provisions for the safe keeping and employment of such women shall be made for the purpose of teaching such women a useful trade or profession and improving their mental and moral condition.

Such board of managers may credit such women with a reasonable compensation for the labor performed by them, and may charge them with the necessary expenses of their maintenance and discipline, not exceeding the sum of two dollars per week. If any balance shall be found to be due such women at the expiration of their terms of commitment, such balance may be paid to them at the time of their discharge.

To secure the safe keeping, obedience and good order of the women committed to any such institution, the superintendent thereof, has the same power as to such women, as keepers of jails and penitentiaries possess as to persons committed to their custody.

§ 152. Clothing and money to be furnished discharged inmates.—The board of managers of any such institution may, in their discretion, furnish to each inmate of such institution who shall be discharged therefrom, necessary clothing not exceeding twelve dollars in value, or if discharged between the first day of November and the first day of April to the value of not exceeding eighteen dollars, and ten dollars in money, and a ticket for the transportation of one person from such institution to the place of conviction of such inmate, or to such other place as such inmate may designate, at no greater distance from such institution than the place of conviction.

§ 153. Board of managers of Bedford reformatory to notify county clerks of completion thereof.—As soon as the Bedford Reformatory for Women is completed and ready for the reception of inmates, the board of managers thereof shall notify the county clerks of Westchester and New York counties and furnish such clerks with suitable blanks for the commitment of women to such institution. Such county clerks, on the reception of such notification, shall transmit a copy thereof to the several magistrates of such counties.

## ARTICLE X.

### THE THOMAS INDIAN SCHOOL.

Section 160. Establishment of asylum.

161. Board of managers.

162. Powers and duties of the board.

163. Officers; salaries.

164. Superintendent, powers and duties.

165. Treasurer, powers and duties.

Section 160. Establishment of school.—The Thomas Indian School, established on the Cattaraugus reservation in the county of Erie, is hereby continued.

Such asylum may sue and be sued in the corporate name of "The Thomas Indian School," and service of process and papers may be made upon the superintendent or any manager of such asylum. (*As amended by chapter 67 of the Laws of 1905.*)

§ 161. Board of managers.—Such asylum shall be under the control and management of a board of managers, consisting of ten members, three of whom shall be Seneca Indians. Such managers and their successors shall be appointed by the governor, by and with the advice and consent of the senate, and shall hold their office for six years, and until others are appointed in their stead, subject to removal for cause by the governor. If any manager fails, without being excused by vote of the board, for one year, to attend the regular meeting of the board of which he is a member, his office shall become vacant. A certificate of every such failure shall forthwith be transmitted by the board to the governor, and all vacancies caused by removal or expi-

ration of office or otherwise shall be filled by the governor, by and with the consent of the senate.

§ 162. Powers and duties of board of managers.—The board of managers shall have the general direction and control of all the property and concerns of such asylum, not otherwise provided for by law. They may acquire and hold, in the name of and for the people of the state of New York, property, by grant, gift, devise or bequest, except reservation lands, which may be held by those managers who are Seneca Indians, to be applied to the maintenance of orphan and destitute Indian children, and the general use of the asylum. They shall not receive any compensation for their services, but shall receive actual and necessary traveling expenses for attending the regular meetings of the board, as prescribed by the by-laws of said asylum. They shall:

1. Adopt, with the approval or consent of the state board of charities, by-laws for the regulation and management of said asylum, and regulating the appointment and duties of officers, assistants and employes of the asylum, and ordain and enforce a suitable system of rules and regulations for the internal government, discipline and management of the same.

2. Take care of the general interests of the asylum, and see that its design is carried into effect according to law, and its by-laws, rules and regulations. They shall, on application, receive destitute and orphan Indian children from any of the several reservations located within this state, and shall furnish them such care, moral training, and education, and such instruction in husbandry, and the arts of civilization as shall be prescribed by their by-laws, rules and regulations.

3. Keep in a book provided for that purpose, a fair and full record of their doings, which shall be open at all times to the inspection of the governor, the state board of charities or any person appointed to examine the same by the governor, the state board of charities, or either house of the legislature.

4. Maintain an effective inspection of the asylum, for which purpose a committee of the board, consisting of at least four members thereof, shall visit the asylum at least bi-monthly, and the whole board at least twice a year, and at such other times as may be prescribed by the by-laws.

5. Enter in a book kept by them for that purpose, the date of each visit, the condition of the asylum and the children therein, and its property, and all such managers present shall sign such entries.

6. Make, annually, on or before the fifteenth day of January, a report to the legislature of the condition of said asylum, including a true account, in detail, of the receipts and disbursements of all moneys that shall come into their hands, or under their control, the number, age and sex of such destitute orphan children in said asylum, with the name of the reservation to which they belong, and the proportion of the year each has been maintained and instructed in said asylum, and such suggestions and recommendations as they may deem proper, or which may be required of them by the state board of charities.

§ 163. Officers; salaries.—Such board shall appoint for the asylum, as often as necessary, and for cause, after an opportunity to be heard, remove:

1. A superintendent, a matron, and a well-educated physician, who shall be a graduate of an incorporated medical college.

2. A treasurer, who shall give a bond to the people of the state for the faithful performance of his trust, with such sureties, and in such amount as the comptroller of the state shall approve.

The superintendent, matron, and other assistants shall constantly reside in the asylum, or on the premises, and shall be designated the resident officers of the asylum. The physician shall visit said asylum at such times, and perform such duties as shall be prescribed by the by-laws, rules and regulations of the asylum. Such board shall also, from time to time, with the approval of the state board of charities, fix the annual salaries and allowances of such officers. Such salaries shall be paid in equal monthly installments by the treasurer on the warrant of the board of managers, countersigned by the superintendent thereof, and certified as correct.

§ 164. Superintendent, powers and duties.—The superintendent shall be the chief executive officer of such asylum, and in his absence or sickness, the matron shall perform the duties, and be subject to the responsibilities of the superintendent. Subject to the by-laws, rules and regulations established by the board of

female before the magistrate making the commitment, or some other magistrate having equal jurisdiction in such county, to be by such magistrate resented for the offense for which she was committed to any such institution and dealt with in all respects as though she had not been so committed.

The cost and expenses of the return of such female, necessarily incurred and paid by any such board of managers shall be a charge against the county from which such female was committed, to be paid by such county to such board of managers in the same manner as other county charges are collected.

§ 147-a. Transfers to other institutions.—If at any time there shall be more inmates in any of such institutions than can be properly cared for therein, the board of managers shall so inform the state board of charities. The state board of charities may thereupon authorize and direct the transfer of such excess, or any part of such excess of inmates to such one of the other houses of refuge or state reformatories as the state board of charities may designate. The said board of managers shall thereupon transfer to such other institution such number of inmates, preferably those last received by such institution. Such transfers shall be made as follows: The board of managers shall advise the superintendent of the institution so designated of the number to be so transferred, and this officer shall cause them to be taken to such institution and receive and keep them according to their sentences respectively, the same as if they had been originally sentenced thereto. With the inmates so transferred there shall be furnished certified copies of their sentences and commitments. (*Added by chapter 169 of the Laws of 1904.*)

§ 148. Disposition of children of women so committed.—If any woman committed to any such institution, at the time of such commitment is a mother of a nursing child in her care under one year of age, or is pregnant with child which shall be born after such commitment, such child may accompany its mother to and remain in such institution until it is two years of age and must then be removed therefrom.

The board of managers of any such institution may cause such child to be placed in any asylum for children in this state and pay for the care and maintenance of such child therein at a rate not to exceed two and one-half dollars a week, until the mother of such child shall have been discharged from such institution,

or may commit such child to the care and custody of some relative or proper person willing to assume such care.

If such woman, at the time of such commitment, shall be the mother of and have under her exclusive care a child more than one year of age, which might otherwise be left without proper care or guardianship, the magistrate committing such woman shall cause such child to be committed to such asylum as may be provided by law for such purposes, or to the care and custody of some relative or proper person willing to assume such care.

§ 149. Conveyance of women committed.—The board of managers of each such institutions shall employ suitable persons to be known as marshals, to convey from the place of conviction to such institution, all women legally committed thereto, and such marshals shall have the power and authority of deputy sheriffs in respect thereto. All expenses necessarily incurred in making such conveyance shall be paid by the treasurer of the board of managers. In case of the commitment of a woman, who, at the time thereof, is the mother of a nursing child or is pregnant, the board of managers shall designate a woman of suitable age and character to accompany the person so committed, along with the officer or representative, authorized in this section to be employed by such managers.

§ 150. Detentions and rearrests in cases of escapes.—The board of managers of any such institution may detain therein, under the rules and regulations adopted by them, any female legally committed thereto, according to the terms of the sentence and commitment, and conditionally discharge such female at any time prior to the expiration of the term of commitment.

If an inmate escape or be conditionally discharged from any such institution, the board of managers may cause her to be rearrested and returned to such institution, to be detained therein for the unexpired portion of her term, dating from the time of her escape or conditional discharge. A person employed by the board of managers of any such institution to convey to such institution, women committed thereto, may arrest, without a warrant, an escaped inmate in any county in this state, and shall forthwith convey her to the institution from which she escaped; and a magistrate may cause an escaped inmate to be arrested

and held in custody, until she can be removed to such institution, as in the case of her first commitment thereto.

A person conditionally discharged from any such institution may be arrested and returned thereto, upon a warrant issued by its president and secretary. Such warrant shall briefly state the reason for such arrest and return, and shall be directed and delivered to a person employed by such board of managers to convey to such institutions, women committed thereto, and may be executed by such person in any such county of this state.

§ 151. Employment of inmates.—The board of managers of each institution shall determine the kind of employment for women committed thereto and shall provide for their necessary custody and superintendence. The provisions for the safe keeping and employment of such women shall be made for the purpose of teaching such women a useful trade or profession and improving their mental and moral condition.

Such board of managers may credit such women with a reasonable compensation for the labor performed by them, and may charge them with the necessary expenses of their maintenance and discipline, not exceeding the sum of two dollars per week. If any balance shall be found to be due such women at the expiration of their terms of commitment, such balance may be paid to them at the time of their discharge.

To secure the safe keeping, obedience and good order of the women committed to any such institution, the superintendent thereof, has the same power as to such women, as keepers of jails and penitentiaries possess as to persons committed to their custody.

§ 152. Clothing and money to be furnished discharged inmates.—The board of managers of any such institution may, in their discretion, furnish to each inmate of such institution who shall be discharged therefrom, necessary clothing not exceeding twelve dollars in value, or if discharged between the first day of November and the first day of April to the value of not exceeding eighteen dollars, and ten dollars in money, and a ticket for the transportation of one person from such institution to the place of conviction of such inmate, or to such other place as such inmate may designate, at no greater distance from such institution than the place of conviction.



§ 153. Board of managers of Bedford reformatory to notify county clerks of completion thereof.—As soon as the Bedford Reformatory for Women is completed and ready for the reception of inmates, the board of managers thereof shall notify the county clerks of Westchester and New York counties and furnish such clerks with suitable blanks for the commitment of women to such institution. Such county clerks, on the reception of such notification, shall transmit a copy thereof to the several magistrates of such counties.

## ARTICLE X.

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Section 160. Establishment of school.—The Thomas Indian School, established on the Cattaraugus reservation in the county of Erie, is hereby continued.

Such asylum may sue and be sued in the corporate name of "The Thomas Indian School," and service of process and papers may be made upon the superintendent or any manager of such asylum. (*As amended by chapter 67 of the Laws of 1905.*)

§ 161. Board of managers.—Such asylum shall be under the control and management of a board of managers, consisting of ten members, three of whom shall be Seneca Indians. Such managers and their successors shall be appointed by the governor, by and with the advice and consent of the senate, and shall hold their office for six years, and until others are appointed in their stead, subject to removal for cause by the governor. If any manager fails, without being excused by vote of the board, for one year, to attend the regular meeting of the board of which he is a member, his office shall become vacant. A certificate of every such failure shall forthwith be transmitted by the board to the governor, and all vacancies caused by removal or expi-

ration of office or otherwise shall be filled by the governor, by and with the consent of the senate.

§ 162. Powers and duties of board of managers.—The board of managers shall have the general direction and control of all the property and concerns of such asylum, not otherwise provided for by law. They may acquire and hold, in the name of and for the people of the state of New York, property, by grant, gift, devise or bequest, except reservation lands, which may be held by those managers who are Seneca Indians, to be applied to the maintenance of orphan and destitute Indian children, and the general use of the asylum. They shall not receive any compensation for their services, but shall receive actual and necessary traveling expenses for attending the regular meetings of the board, as prescribed by the by-laws of said asylum. They shall:

1. Adopt, with the approval or consent of the state board of charities, by-laws for the regulation and management of said asylum, and regulating the appointment and duties of officers, assistants and employes of the asylum, and ordain and enforce a suitable system of rules and regulations for the internal government, discipline and management of the same.

2. Take care of the general interests of the asylum, and see that its design is carried into effect according to law, and its by-laws, rules and regulations. They shall, on application, receive destitute and orphan Indian children from any of the several reservations located within this state, and shall furnish them such care, moral training, and education, and such instruction in husbandry, and the arts of civilization as shall be prescribed by their by-laws, rules and regulations.

3. Keep in a book provided for that purpose, a fair and full record of their doings, which shall be open at all times to the inspection of the governor, the state board of charities or any person appointed to examine the same by the governor, the state board of charities, or either house of the legislature.

4. Maintain an effective inspection of the asylum, for which purpose a committee of the board, consisting of at least four members thereof, shall visit the asylum at least bi-monthly, and the whole board at least twice a year, and at such other times as may be prescribed by the by-laws.

5. Enter in a book kept by them for that purpose, the date of each visit, the condition of the asylum and the children therein, and its property, and all such managers present shall sign such entries.

6. Make, annually, on or before the fifteenth day of January, a report to the legislature of the condition of said asylum, including a true account, in detail, of the receipts and disbursements of all moneys that shall come into their hands, or under their control, the number, age and sex of such destitute orphan children in said asylum, with the name of the reservation to which they belong, and the proportion of the year each has been maintained and instructed in said asylum, and such suggestions and recommendations as they may deem proper, or which may be required of them by the state board of charities.

§ 163. Officers; salaries.—Such board shall appoint for the asylum, as often as necessary, and for cause, after an opportunity to be heard, remove:

1. A superintendent, a matron, and a well-educated physician, who shall be a graduate of an incorporated medical college.

2. A treasurer, who shall give a bond to the people of the state for the faithful performance of his trust, with such sureties, and in such amount as the comptroller of the state shall approve.

The superintendent, matron, and other assistants shall constantly reside in the asylum, or on the premises, and shall be designated the resident officers of the asylum. The physician shall visit said asylum at such times, and perform such duties as shall be prescribed by the by-laws, rules and regulations of the asylum. Such board shall also, from time to time, with the approval of the state board of charities, fix the annual salaries and allowances of such officers. Such salaries shall be paid in equal monthly installments by the treasurer on the warrant of the board of managers, countersigned by the superintendent thereof, and certified as correct.

§ 164. Superintendent, powers and duties.—The superintendent shall be the chief executive officer of such asylum, and in his absence or sickness, the matron shall perform the duties, and be subject to the responsibilities of the superintendent. Subject to the by-laws, rules and regulations established by the board of

managers, such officers shall have the general superintendence of the buildings, grounds, and farm, together with their furniture, fixtures and stock, and shall:

1. Daily ascertain the condition of all the children and prescribe their conduct.

2. Appoint, with the approval of the board of managers, the other resident officers, assistants and employes not otherwise provided for, that he may think necessary for the economical and efficient performance of the business of the asylum, and prescribe their duties, and he may discharge them at his discretion.

3. Cause full and fair accounts and records of all his doings, and of the entire business and operation of the asylum to be kept regularly, from day to day, in books provided for that purpose.

4. See that all such accounts and records are justly made up for the annual report to the legislature, as required by this act, and present the same to the board of managers, who shall incorporate them into their report to the legislature.

5. Keep in a book, in which he shall cause to be entered, at the time of the reception of any child, his name, age, residence, and the names of his parents (if any), to what reservation and tribe he belongs, and the date of such reception, and by whom brought, and the condition of the general health of such child.

§ 165. Treasurer, powers and duties.—The treasurer shall have the custody of all moneys, obligations and securities belonging to the asylum. He shall:

1. Open with some good and solvent bank, conveniently near the asylum, an account in his name as such treasurer, and deposit all moneys, upon receiving the same, therein, and draw from the same in the manner prescribed by the by-laws, specifying the object of payment.

2. Keep a full and accurate account of all receipts and payments in the manner directed by the by-laws, and such other accounts as the board of managers shall prescribe, render a statement to the board of managers whenever required by them.

ARTICLE XI.

Section 170. Laws repealed.

171. When to take effect.

Section 170. Laws repealed.—Of the laws enumerated in the schedule hereto annexed, that portion specified in the last column is repealed.

§ 171. When to take effect.—This chapter shall take effect on October first, eighteen hundred and ninety-six.

SCHEDULE OF LAWS REPEALED.

Laws of—	Chapter.	Sections.
1846. . . . .	143. . . . .	All.
1850. . . . .	24. . . . .	All.
1851. . . . .	502. . . . .	All.
1852. . . . .	387. . . . .	All.
1853. . . . .	159. . . . .	All.
1853. . . . .	608. . . . .	All.
1855. . . . .	163. . . . .	All.
1861. . . . .	306. . . . .	All.
1862. . . . .	220. . . . .	All.
1867. . . . .	739. . . . .	All.
1867. . . . .	951. . . . .	All.
1873. . . . .	571. . . . .	All.
1875. . . . .	228. . . . .	All.
1878. . . . .	72. . . . .	All.
1879. . . . .	109. . . . .	All.
1881. . . . .	187. . . . .	All.
1885. . . . .	281. . . . .	All.
1886. . . . .	539. . . . .	All.
1888. . . . .	404. . . . .	All.
1890. . . . .	238. . . . .	All.
1891. . . . .	51. . . . .	All.
1891. . . . .	216. . . . .	All.
1891. . . . .	375. . . . .	All.
1892. . . . .	637. . . . .	All, except § 5.
1892. . . . .	704. . . . .	All.
1893. . . . .	635. . . . .	All.

Laws of—	Chapter.	Sections.
1894. . . . .	363. . . . .	All.
1895. . . . .	13. . . . .	All.
1895. . . . .	38. . . . .	All, except § 9. .
1895. . . . .	59. . . . .	All.
1895. . . . .	253. . . . .	All.
1895. . . . .	439. . . . .	All.
1895. . . . .	771. . . . .	All.

### THE STATE INDUSTRIAL SCHOOL, ROCHESTER.

AN ACT to amend chapter five hundred and thirty-nine of the laws of eighteen hundred and eighty-six, entitled "An act changing the name of the 'Western House of Refuge for Juvenile Delinquents in Western New York,' to 'The State Industrial School,' and relating to discipline and instruction therein, and commitments thereto, and making an appropriation therefor."

#### Chapter 470, Laws of 1893.

Section 1. Section three of chapter five hundred and thirty-nine of the laws of eighteen hundred and eighty-six is hereby amended to read as follows:

§ 3. It shall be lawful for the board of managers of the state industrial school to receive into said school all male children who have heretofore been, or who may hereafter be, sentenced to the western house of refuge for juvenile delinquents, or to the house of refuge for juvenile delinquents in western New York or to the state industrial school, and to retain the same, subject to the rules and regulations of said institution, and said board of managers shall have the right, and it shall be their duty to receive and detain all such persons committed to their custody, and such right and duty shall not be affected, prejudiced or impaired by reason of, or in consequence of, any technical defect or clerical error in the warrant of commitment. The several courts having criminal jurisdiction and who shall hold criminal courts in all the counties of this state, except the counties of New York and Kings, are hereby authorized to sen-

tence male juvenile delinquents convicted in any of such courts to such state industrial school. (*As amended by chapter 221 of the Laws of 1904.*)

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COMMITMENTS TO THE STATE INDUSTRIAL SCHOOL,  
THE HOUSE OF REFUGE ON RANDALL'S ISLAND, AND  
THE NEW YORK STATE TRAINING SCHOOL FOR  
GIRLS.

Provisions of the Penal Code.

§ 701. House of refuge, State industrial school, and New York state training school for girls.—Where a male person under the age of twelve years is convicted of a crime amounting to felony, or where a male person of twelve years and under the age of sixteen years is convicted of a crime, the trial court may, instead of sentencing him to imprisonment in a state prison or in a penitentiary, direct him to be confined in a house of refuge under the provisions of the statute relating thereto. Where the conviction is had and the sentence is inflicted in the first, second or third judicial district, the place of confinement must be a house of refuge established by the managers of the society for the reformation of juvenile delinquents in the city of New York; where the conviction is had and the sentence inflicted in any other district, the place of confinement must be in the state industrial school. Where a female person not over the age of twelve years is convicted of a crime amounting to felony, or where a female person of the age of twelve years and not over the age of sixteen years is convicted of a crime, the trial court may, instead of sentencing her to imprisonment in a state prison or in a penitentiary, direct her to be confined in the New York state training school for girls, under the provisions of the statute relating thereto. But nothing in this section shall affect any of the provisions contained in section seven hundred and thirteen. (*As amended by chapter 554 of the Laws of 1896, and chapter 388 of the Laws of 1904.*)

§ 713. Disposition to be made of persons under sixteen convicted of crime.—When a person under the age of sixteen is con-

victed of a crime, he may, in the discretion of the court, instead of being sentenced to fine or imprisonment, be placed in charge of any suitable person or institution willing to receive him, and be thereafter, until majority or for a shorter term, subjected to such discipline and control of the person or institution receiving him as a parent or guardian may lawfully exercise over a minor. A child under sixteen years of age committed for misdemeanor, under any provisions of this code, must be committed to some reformatory, charitable or other institution authorized by law to receive and take charge of minors. And when any such child is committed to an institution, it shall, when practicable, be committed to an institution governed by persons of the same religious faith as the parents of such child. (*As amended by chapter 46 of the Laws of 1884.*)

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#### COMMITMENTS TO HOUSES OF REFUGE AND THE NEW YORK STATE REFORMATORY FOR WOMEN AT BEDFORD.

##### Provisions of the Penal Code.

§ 698. Imprisonment of female convict.—Any woman over the age of sixteen years, who shall be convicted of a felony in any of the courts of this state, shall, when the sentence imposed is one year or more, be sentenced to imprisonment in the state prison for women at Auburn. When the sentence imposed is less than one year, she may be committed to the county jail of the county where convicted, or to a penitentiary, or to the state prison for women at Auburn. A woman between the ages of fifteen and thirty, convicted of a felony, who has not theretofore been convicted of a crime punishable by imprisonment in a state prison, may in the discretion of the trial court be sentenced to a house of refuge or reformatory for women, to be there confined under the provisions of law relating to such house of refuge or reformatory. (*As amended by chapter 114 of the Laws of 1900.*)



AN ACT to amend the Greater New York charter, relative to commitments to the state reformatory for women at Bedford.

Chapter 610, Laws of 1905.

Section 1. Chapter fourteen of the Greater New York charter, as reenacted by chapter four hundred and sixty-six of the laws of nineteen hundred and one, is hereby amended by inserting therein a new section to be known as section seven hundred and seven-a, and to read as follows:

COMMITMENTS TO STATE REFORMATORY FOR WOMEN AT BEDFORD.

§ 707-a. Whenever a woman between the ages of sixteen and thirty is convicted in the city of New York of habitual drunkenness, of being a common prostitute, of soliciting on public streets or places for purposes of prostitution, of frequenting disorderly houses or houses of prostitution, or of vagrancy under subdivisions three or four of section eight hundred and eighty-seven of the code of criminal procedure, she may be committed to the state reformatory for women at Bedford, pursuant to the provisions of section one hundred and forty-six of the state charities law, to be there confined subject to the provisions of such law and of any other statute relating to such reformatory.

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NEW YORK STATE SOLDIERS AND SAILORS' HOME,  
BATH. THE PUBLIC BUILDINGS LAW.

Chapter 227, Laws of 1893.

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#### ARTICLE IV.

NEW YORK STATE SOLDIERS AND SAILORS' HOME.

Section 40. Trustees.

41. Powers of trustees.
42. Admission to home.
43. Transfer of inmates to state hospital.
44. Annual report.

**Section 40. Trustees.**—The property heretofore conveyed to the state by the corporation known as the Grand Army of the Republic Soldiers' Home of New York, and all property heretofore or hereafter acquired by the state for the same purpose, shall continue to be known as the New York State Soldiers and Sailors' Home, and shall continue to be under the management and control of a board of trustees consisting of twelve members, of which the governor, attorney-general and the commander of the department of New York, Grand Army of the Republic, shall be *ex officio* members; and the remaining nine members shall be reputable citizens of the state appointed by the governor, by and with the advice and consent of the senate, and each shall hold office for three years. No trustee shall receive any compensation for his services as such trustee or otherwise, except the trustee elected to act as secretary who may receive a reasonable annual compensation for his services, to be fixed by the board, with the approval of the comptroller, not exceeding the sum of two hundred and fifty dollars. The board shall annually elect by ballot a president, secretary, treasurer and executive committee, but the offices of secretary and treasurer may be held by one trustee or separately as the board may determine. The board shall be known as the board of trustees of the New York State Soldiers and Sailors' Home. (*As amended by chapter 108 of the Laws of 1903.*)

**§ 41. Powers of trustees.**—The board of trustees shall have possession of all property belonging to or constituting such home and may complete the buildings therein already commenced or hereafter to be erected, and keep them in readiness for occupation with any funds appropriated therefor or that may come into their hands for such purpose, and may pay any existing indebtedness of such corporation which shall be or might become a lien upon such property or any part thereof. The board may make contracts in its name, subject to the approval of the comptroller, for work and materials for the completion of the buildings on such property, the furnishing thereof and of supplies for use and consumption therein, but shall spend no money and incur no indebtedness for such purpose beyond the appropriation previously made therefor by the legislature. It may adopt rules and

regulations, subject to like approval, specifying the duties of the officers of the home, the government of its inmates, fixing the terms and conditions of admission thereto and the cause and manner of expulsion therefrom. The board may require and take in its name any security by way of bond or otherwise from any person appointed or elected by it, for the faithful performance of his duties, and for truly accounting for all moneys or property received by him, for or on account of the board of trustees or in the performance of such duties. And the said board shall have power to organize and maintain a band, the same to be paid for out of the maintenance funds of the home, not exceeding six thousand dollars per annum. (*As amended by chapter 32 of the Laws of 1905.*)

§ 42. Admission to home.—Every honorably discharged soldier or sailor who served in the army or navy of the United States during the late rebellion, who enlisted from the state of New York, or who shall have been a resident of this state for one year preceding his application for admission, and who shall need the aid or benefit of such home in consequence of physical disability or other cause within the scope of the regulations of the board, shall be entitled to admission thereto, subject to the conditions, limitations and penalties prescribed by the rules and regulations of the board.

§ 43. Transfer of inmates to state hospital.—Any soldier or sailor regularly admitted into the home found to be insane, may be transferred by an order of the president and secretary of the board of trustees and the superintendent of the home to any state hospital for the insane, there to remain at the expense of the home until legally discharged, and such expense shall be paid out of the maintenance fund of the home, at the same rate as is charged for the support of the county insane.

§ 44. Annual report.—Such board shall, annually, on or before January fifteenth, make to the legislature a detailed report of all its receipts and expenditures and of all its proceedings for the previous year, with full estimates for the coming year verified by the president and treasurer.

(*This chapter repealed chapter 48 of the Laws of 1878; also chapter 407 of the Laws of 1879.*)

**SALE OF ALE AND BEER AT THE NEW YORK STATE SOLDIERS AND  
SAILORS' HOME, BATH.**

AN ACT authorizing the sale of ale and beer upon the premises of the New York State Soldiers and Sailors' Home of Bath, New York, and providing for the expenditure of the net proceeds therefrom.

Chapter 900, Laws of 1896.

Section 1. The trustees of the New York Soldiers and Sailors' Home at Bath, New York, upon complying with the provisions of chapter one hundred and twelve, laws of eighteen hundred and ninety-six, of the state of New York, are hereby authorized to sell ale and beer to the members of said home, upon the premises of said home, under such rules and regulations as said trustees shall prescribe, and the provisions of clause one, section twenty-four and clause six of section thirty of said chapter one hundred and twelve of the laws of eighteen hundred and ninety-six shall not apply to such New York State Soldiers and Sailors' Home.

§ 2. The said trustees shall expend the net proceeds of such sales for the support of the library and reading-room of said home and for such other purposes as they shall deem best for the comfort and amusement of the members of said home.

§ 3. All acts and parts of acts inconsistent with this act are hereby repealed.

**EXEMPTED FROM THE MANAGEMENT AND CONTROL OF STATE BOARD  
OF CHARITIES.**

AN ACT relating to the state board of charities and their control and management of the New York State Soldiers and Sailors' Home.

Chapter 769, Laws of 1900.

Section 1. Soldiers and sailors' home exempted.—The New York state soldiers and sailors' home is hereby exempted from the management and control of the state board of charities and in respect to said institution said board are hereafter only to exercise their constitutional right to visit and inspect.

§ 2. Repeal.—All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

NEW YORK STATE WOMAN'S RELIEF CORPS HOME,  
OXFORD.

AN ACT to provide for the establishment of a home for the aged and dependent veteran and his wife, veterans' mothers, widows, and army nurses, residents of New York.

Chapter 468, Laws of 1894.

Section 1. Establishment of home.—There shall be established in this state a home for the aged dependent veteran and his wife, veterans' mothers, widows, and army nurses, which shall be located within the state at a point which shall be determined as hereinafter provided, said home to be known as "New York State Woman's Relief Corps Home." (*As amended by chapter 47 of the Laws of 1897.*)

§ 2. Board of managers.—It shall be the duty of the governor within thirty days after the passage of this act, by and with the advice and consent of the senate, to appoint nine residents of the state, six of whom shall be women and three men, to constitute a board of managers of said home who shall hold office, three for two, three for four, and three for six years, respectively, as shall be indicated by the governor on making the appointment, and thereafter all appointments except to fill vacancies in said board shall be for six years and shall be made by the governor with the advice and consent of the senate. A majority of the board of managers shall be appointed from the members of the grand army of the republic of the department of New York and the women's relief corps, auxiliary to the grand army of the republic, department of New York. Whenever a vacancy occurs in said board after the expiration of a term of office or by resignation or removal or otherwise, the governor shall appoint a resident of the state to fill such vacancy, but when an appointment shall be made to fill an unexpired term, the governor shall so indicate at the time of making the appointment, and the person so appointed shall hold office only until the close of the unexpired term, and appointments shall be so made that there will be at all times six women and three

men as members of said board. (*As amended by chapter 451 of the Laws of 1906.*)

§ 3. Official oath.—Before entering on their duties the said managers shall respectively take and subscribe to the usual oath of office, which oath may be taken and subscribed before the judge of any court of record of this state, or any notary public having a seal, and shall be filed in the office of the secretary of state.

§ 4. Compensation and expenses.—Said managers shall receive no compensation for their time of services, but the actual and necessary expenses of each of them while engaged in the performance of his or her office, and any expenses of said board incurred in the performance of the duties imposed by this act, on being presented in writing and verified by affidavit, shall be paid by the treasurer of said board of managers.

§ 5. Organization of board.—It shall be the duty of said board of managers immediately after their appointment to meet and organize by the election of a president, secretary and an executive committee from their number. (*As amended by chapter 451 of the Laws of 1906.*)

§ 6. Report to legislature.—Said board of managers shall annually on or before January fifteenth, make to the legislature a detailed report of its proceedings for the preceding fiscal year, together with a complete statement of its receipts and expenditures, the condition of the institution, and full estimates of the appropriation required for its maintenance including therein ordinary repairs. It shall also include in its report a statement of any special appropriations required and the reasons therefor. (*As amended by chapter 451 of the Laws of 1906.*)

§ 7. Purchase of site and erection of building.—Whenever any site shall have been selected, and contract for the purchase of the same made and approved by the legislature, and an appropriation for the payment thereof, and the erection of the buildings thereon made by the legislature of this state, it shall be the duty of said board of managers to purchase such site and to erect suitable buildings thereon for the care, maintenance and relief of aged dependent veterans and their wives, veterans' mothers, widows, and army nurses who, from any cause, need

the care and benefits of a home, and to do all things necessary and requisite in the premises.

§ 8. Admission to home.—Whenever said lands shall have been purchased, buildings erected and said home ready for occupancy, every honorably discharged soldier or sailor who served in the army or navy of the United States during the late rebellion, or who enlisted from the state of New York, or who shall have been a resident of this state for one year preceding the application for admission, and the wives, widows and mothers of any such honorably discharged soldier or sailor, and army nurses who served in said army or navy and whose residence was at the time of the commencement of such service or whose residence shall have been for one year preceding his or her application for admission to said home, within the state of New York, or who shall need the aid or benefit of said home in consequence of physical disability or other cause within the scope of the regulations of the board, shall be entitled to admission to said home, subject to the conditions, limitations and penalties prescribed by the rules and regulations adopted by said board. Provided, however, said soldier or sailor shall be a married man and shall be accompanied or attended by his wife during the time he may be an inmate of said home, but no wife or widow of a soldier or sailor shall be admitted as an inmate of said home unless due and sufficient proof is presented of her marriage to such soldier or sailor prior to the year eighteen hundred and eighty.

§ 9. Powers of the board of managers.—The board of managers shall have charge of all of the affairs of the institution, with power to make all necessary by-laws, rules, and regulations, for its government and proper management, and for the admission and discharge of inmates. It shall have power to select a treasurer, to appoint and remove a superintendent of the institution, who shall be its chief executive officer. It shall also have power to appoint such other subordinate officers as may be necessary, and for just cause remove any or all of them from office. Under proper rules and regulations and in accordance with the provisions of the civil service law they may delegate the power to

hire and discharge subordinate employees to the superintendent. (*Added by chapter 451 of the Laws of 1906.*)

§ 10. Record.—The board of managers shall keep in a book provided for that purpose and kept in the institution, a fair and full record of the doings of the board, which shall be open at all times to the inspection of its members and such other persons and officers of the state as are by law vested with the powers of visitation and inspection, or appointed by the governor, the legislature, or other competent authority to make an inspection or investigation of the institution. (*Added by chapter 451 of the Laws of 1906.*)

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#### THE THOMAS INDIAN SCHOOL, IROQUOIS.

AN ACT to authorize the transfer of Indian children from the Thomas Indian school to other asylums, hospitals or institutions for the custody and care of orphan, dependent or sick children, and to provide for their care, support and treatment therein.

##### Chapter 242, Laws of 1896.

Section 1. Transfers.—Whenever the number of Indian children in The Thomas Indian school, on the Cattaraugus Reservation, duly admitted thereto, shall be in excess of its proper capacity or the applications for admission of such Indian children to such asylum shall exceed its proper accommodations therefor, or whenever, in the opinion of the trustees of such asylum, the comfort and well being of any such Indian children therein will likely be promoted by their removal to other asylums, hospitals or institutions for the custody, care and treatment of orphan, dependent or sick children, they may, with the approval of the state board of charities, contract with the managers or other authorities of such asylums, hospitals or institutions as they may deem desirable for the reception, care and treatment of such Indian children, as may, from time to time, be transferred thereto, at a fixed weekly per capita rate not exceeding two dollars, except in the case of sick children requiring hospital treatment and care, when the fixed weekly per capita rate shall not exceed three dollars. The sum of two thousand dollars or so much thereof as



may be necessary is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, for the purpose of this act. (*As amended by chapter 67 of the Laws of 1905.*)

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**NEW YORK STATE INSTITUTION FOR THE BLIND, BATAVIA  
(THE NEW YORK STATE SCHOOL FOR THE BLIND).**

**AN ACT to authorize the establishment of the New York State  
Institution for the Blind.**

Chapter 587, Laws of 1865.

Section 10. Trustees.—As soon as suitable accommodations shall be provided, the governor shall, by and with the consent of the senate, appoint nine trustees, two from the first judicial district and one from each of the other judicial districts, who shall take charge of said institution. Such trustees shall serve without pay, and shall hold their offices for three years and until others are appointed.

§ 11. Admission to asylum.—Application for admission into such institution shall be made to a justice of the supreme court or of the court of common pleas or to a county judge in the county where such applicant shall reside. Such justice or judge shall hear the application and make due inquiry into the pecuniary circumstances of such applicant, or of the parents or guardians thereof, and if it shall be proved to his satisfaction that such person or the parents or guardians of such person are unable to pay for the support thereof, and that such county is entitled to send such person to such institution, he may make his order to that effect, and thereupon such person shall be sent to and admitted into such institution for a term not exceeding seven years.

§ 12. Preference to soldiers' children.—The persons who shall be entitled to the benefits of this institution shall be admitted in the order of their application for admission, except that the blind children of those who shall have died in the military service of the United States, or from wounds or injuries received therein during the present rebellion, shall in all cases have a

preference; except however that each county shall be entitled to admission for its blind population in indigent circumstances in the same proportion which the whole number of its blind population shall bear to the whole blind population of the state, which proportion shall be determined by the trustees; provided however, that for each person sent by any county, such county shall pay the annual sum of fifty dollars towards the support of such person.

§ 13. Power of trustees.—Said trustees shall, as soon after their appointment as may be, meet and organize by choosing one of their number as president and appointing a secretary. They shall have power to make by-laws and rules and regulations for the transaction of their business, and for the regulation and management of said institution, which institution shall be wholly under their control; and as soon as may be necessary, they shall appoint some suitable person as superintendent, and such other officers and employes as may be necessary to properly carry on the business of said institution, and fix the compensation thereof.

§ 14. Records to be kept.—Said trustees shall keep full and complete records of all their proceedings, and also of the business and daily transactions of such institution, in books to be provided for that purpose; and shall annually make report thereof to the legislature, in and during the month of January.

#### OBJECTS AND MANAGEMENT.

AN ACT to define the objects of the New York State Institution for the Blind, and to provide for its management.

#### Chapter 744, Laws of 1867.

Section 1. Persons entitled to privileges of the institution.—All blind persons of suitable age and capacity for instruction, who are legal residents of the State, shall be entitled to the privileges of the New York State Institution for the Blind, without charge, and for such a period of time in each individual case as may be deemed expedient by the board of trustees of said institution; provided, that whenever more persons apply for admission at one time than can be properly accommodated in the institution, the trustees shall so apportion the number

received, that each county may be represented in the ratio of its blind population to the total blind population of the state; and provided further, that the children of citizens who died in the United States service, or from wounds received therein during the late rebellion, shall take precedence over all others.

§ 2. Non-residents.—Blind persons from without the state may be received into the institution upon the payment of an adequate sum, fixed by the trustees, for their boarding and instruction; provided that such applicant shall in no case exclude those from the state of New York.

§ 3. Applications for admission, how made; certificate required.—Applications for admission into the institution shall be made to the board of trustees in such manner as they may direct, but the board shall require such application to be accompanied by a certificate from the county judge or county clerk of the county or the supervisor or town clerk of the town, or the mayor of the city where the applicant resides, setting forth that the applicant is a legal resident of the town, county and state claimed as his or her residence. (*As amended by chapter 616 of the Laws of 1872.*)

§ 4. Object of the institution.—The primary object of the institution shall be, to furnish to the blind children of the state the best known facilities for acquiring a thorough education, and train them in some useful profession or manual art, by means of which they may be enabled to contribute to their own support after leaving the institution; but it may likewise, through its industrial department, provide such of them with appropriate employment and boarding accommodations as find themselves unable, after completing their course of instruction and training, to procure these elsewhere for themselves. It shall, however, be in no sense an asylum for those who are helpless from age, infirmity, or otherwise, or a hospital for the treatment of blindness.

§ 5. Successors of present board of trustees.—Upon the expiration of the term of office of the present board of trustees, the governor shall, by and with the consent of the senate appoint their successors, two of whom shall reside in the county wherein said institution is located, and a majority of whom shall reside within fifty miles of said institution, and at the first meeting of said board, after their appointment as aforesaid, they

shall divide themselves by lot into three equal classes, who shall serve for two, four and six years, respectively, from the date of their appointments, and until their successors shall have been appointed, and every alternate year thereafter the governor shall, by and with the consent of the senate, appoint three trustees to fill the places of those whose term of service will have expired, in accordance with the provisions of this section.

§ 6. Declension.—In case of the declension of any member of said board of trustees to act under his appointment, or of the occurrence of any other casual vacancy in the board, the governor shall forthwith appoint some suitable person to fill such vacancy, and the member so appointed shall serve out the term of his predecessor.

§ 7. Trustees to receive no compensation, except mileage.—The trustees shall receive no compensation as such, but they may allow themselves mileage, at the same rate as that paid to members of the legislature, for any distance actually traveled in the service of the institution. Nor shall any trustee be pecuniarily interested in any contract for buildings pertaining to the institution, or in furnishing supplies therefor.

§ 8. Powers of board of trustees.—The board of trustees shall have charge of all the affairs of the institution, with power to make all necessary by-laws and regulations for their government and the proper management of the institution, as well as for the admission of pupils, and to do all else which may be found necessary for the advancement of its humane design.

§ 9. Adoption of seal.—They shall elect from their own number a president, treasurer and secretary, together with such standing committees as they may deem necessary, and adopt a common seal for the institution.

§ 10. The treasurer shall have the custody of all the funds of the institution, and pay out the same only upon properly authenticated orders of the board or its executive committee. Before entering upon the duties of his office, he shall execute and file in the office of the comptroller, a bond with such sureties and in such amount of penalty as the comptroller shall require and approve, conditioned for the faithful discharge of his duties as such treasurer. (*As amended by chapter 154 of the Laws of 1905.*)

§ 11. Superintendent.—The trustees shall have power to ap-

point a competent and experienced superintendent, who shall be the chief executive officer of the institution, together with an efficient corps of instructors and other subordinate officers; prescribe the duties and terms of service of the same; fix and pay their salaries, and for just cause, remove any or all of them from office. They shall likewise employ the requisite number of servants and other assistants in the various departments of the institution, and pay the wages of the same.

§ 12. Furniture.—They shall purchase all furniture, apparatus and other supplies necessary to the equipment and carrying on of the institution in the most efficient manner.

§ 13. Provision of clothing for those admitted to institution.—When any blind person shall, upon proper application, be admitted into the institution, it shall be the duty of his or her parents, guardians or other friends, to suitably provide such person with clothing at the time of entrance and during continuance therein, and likewise to defray his or her traveling expenses to and from the institution at the time of entrance and discharge, as well as at the beginning and close of each session of the school, and at any other time when it shall become necessary to send such person home on account of sickness or other exigency. And whenever it shall be deemed necessary by the trustees to have such person permanently removed from the institution, in accordance with the by-laws and regulations thereof, the same shall be promptly removed upon their order, by his or her parents, guardians or other friends.

§ 14. Neglect to provide the same.—If the friends of any pupil from within the state of New York shall fail through neglect or inability to provide the same with proper clothing or with funds to defray his or her necessary traveling expenses to and from the institution, or to remove him or her therefrom, as required in the preceding section, the trustees shall furnish such clothing, pay such traveling expenses, or remove such pupil to the care of the overseers of the poor of his or her township, and charge the cost of the same to the county to which the pupil belongs, provided that the annual amount of such expenditures on account of any one pupil shall not exceed the sum of sixty dollars. And in case of the death of any pupil at the institution, whose remains shall not be removed or funeral expenses borne

by the friends thereof, the trustees shall defray the necessary burial expenses, and charge the same to his or her county as aforesaid. Upon the completion of their course of training in the industrial department, the trustees may furnish to such worthy poor pupils as may need it, an outfit of machinery and tools for commencing business, at a cost not exceeding seventy-five dollars each, and charge the same to the proper county, as aforesaid. (*As amended by chapter 463 of the Laws of 1873, § 1.*)

§ 15. Itemized accounts against respective counties.—On the first day of October in each year, the trustees shall cause to be made out against the respective counties concerned, itemized accounts, separate in each case, of the expenditures authorized by the preceding section of this act, and forward the same to the board of supervisors chargeable with the account. The board shall thereupon direct the county treasurer to pay the amount so charged to the treasurer of the institution for the blind, on or before the first day of March next ensuing.

§ 16. And payment of the same.—The counties against which the said accounts shall be made out as aforesaid, shall cause their respective treasurers, in the name of their respective counties, to collect the same, by legal process, if necessary, from the parents or estate of the pupils who have the ability to pay, on whose accounts the said expenditures shall have been made; provided that at least five hundred dollars' value of the property of such parents or estate shall be exempt from the payment of the accounts aforesaid.

§ 17. Books gratuitously distributed by state.—The institution shall be entitled to receive copies of all books and other publications which are distributed gratuitously by the state to township or county libraries, common schools, academies, colleges and societies. It may also receive in the name of the state, bequests or donations of money or any kind of property, but such money or property shall in all cases belong to the state, and be subject to its control; provided that the same shall not be diverted from the particular object for which it shall be bequeathed or donated.

§ 18. Records of proceedings of board of trustees.—The board of trustees shall keep full and complete records of their proceedings, and make an annual report of the same to the legis-

lature, at the commencement of the regular session thereof, strictly accounting in detail for their expenditures, on account of the institution, during the preceding fiscal year, of the state, setting forth the progress and condition of the several departments of the institution, making such suggestions concerning its future management as they may deem essential, and submitting proper estimates of the funds needed for its support, as well as for building and all other purposes.

§ 19. Payment of appropriations.—The state treasurer is hereby directed to pay over to the board of trustees, upon the warrant of the comptroller, all moneys which shall hereafter be appropriated on account of the New York state institution for the blind; the general appropriations for the current support of the institution, to be paid in equal quarterly installments, and specific appropriations for building and other purposes, to be paid when needed by the trustees.

§ 20. Drafts upon the state.—All drafts upon the state treasury on behalf of the institution, shall be based upon orders of the board of trustees, signed by the president and secretary of the same, and attested by the common seal of the institution.

§ 21. Sections construed.—Sections nineteen and twenty of this act shall not be construed to alter, impair or affect the powers or duties of the building commissioners appointed under the provisions of chapter five hundred and eighty-seven, of the laws of eighteen hundred and sixty-five; and nothing in this act shall be construed to interfere with the erection by said building commissioners of the State institution for the blind, in accordance with the plans heretofore approved by the governor, secretary of state and comptroller; and all moneys now, or hereafter to be appropriated for the building of said institution, shall be paid to said building commissioners for that purpose.

§ 22. Further powers of the institution.—The New York institution for the blind, shall continue to have the custody, charge, maintenance and education of all such pupils as are now intrusted to them by the state, and of any others who may be appointed prior to the opening of the state institution at Batavia; and shall receive compensation from the state for the maintenance, education and support of said pupils in the same manner as is now, or has heretofore been provided, and shall

receive the same amount per capita from the counties from which said pupils are respectively appointed as is now paid, for their clothing, until such period as the New York state institution for the blind shall be ready to receive such pupils, and shall then, without reference to the term of years for which said pupils have been appointed under existing laws, and received by said New York institution for the blind, transfer said pupils to said state institution; provided, however, that they shall retain and continue to receive all pupils heretofore appointed or hereafter to be appointed, from the counties of New York and Kings under the appointment of the superintendent of public instruction, in like manner as is now provided by law, to be received, maintained and educated by the said New York institution for the blind, which shall be compensated for their maintenance and education by the state; and for their clothing by the counties from which they are appointed, in like manner as is now done.

§ 23. Repeal.—All acts and parts of acts, inconsistent with the provisions of this act, are hereby repealed.

#### CHANGE OF NAME.

AN ACT changing the name of the New York State Institution for the Blind.

Chapter 563, Laws of 1895.

§ 1. Name changed.—The New York State Institution for the Blind as the same was authorized to be established by chapter five hundred and eighty-seven of the laws of eighteen hundred and sixty-five and the acts supplemental thereto shall hereafter be known and designated as the "New York State School for the Blind."

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#### NEW YORK INSTITUTION FOR THE BLIND, NEW YORK CITY.

AN ACT to amend an act entitled "An act to continue in force 'An act to incorporate the New York Institution for the Blind,' passed April twenty-first, eighteen hundred and thirty-one, and to extend the benefits of said institution," passed April *sixteenth*, eighteen hundred and fifty-two.



Chapter 166, Laws of 1870.

§ 1. Reception of state pupils; powers of superintendent of public instruction; extension of terms.—The managers of the New York Institution for the Blind are hereby authorized to receive, upon the appointment of the superintendent of public instruction, made for a term not exceeding five years, all blind persons, residents of the counties of New York and Kings, Queens and Suffolk, between eight and twenty-five years of age, who, in the judgment of the board of managers of said institution, shall be of suitable character and capacity for instruction, and shall have charge of their maintenance, education and support, and shall receive compensation therefor from the state in the same manner as is now provided by law. The term of such appointments may be extended, from time to time, by the superintendent of public instruction, on the recommendation of the board of managers of the said New York Institution for the Blind, for such further period as they may deem advantageous in each individual case. (*As amended by chapter 166 of the Laws of 1871.*)

§ 2. Applications for admission.—Application for admission into the institution shall be made to the board of managers, and each application shall set forth the age, the fact of blindness, and that the applicant is a legal resident of the town, county and state claimed as his or her residence, with such other information as the board may require; and each application shall be sworn to by the applicant, or his or her parents or guardian, and shall be signed by at least one member of the board of supervisors of the county in which the applicant may reside, and also be recommended by the president and superintendent of the said institution, and transmitted by the said institution to the superintendent of public instruction.

§ 3. Supervisors of New York and Kings, Queens and Suffolk counties to furnish clothing; to pay fifty dollars for each indigent pupil.—The supervisors of the county of New York or Kings, Queens and Suffolk, from which state pupils shall be sent to and received in the said institution, whose parents or guardians shall, in the opinion of the superintendent of public instruction, be unable to furnish them with suitable clothing, are hereby authorized and directed, in every year while such pupils are in said insti-

tution, to raise and appropriate fifty dollars for each of said pupils from said counties respectively, and to pay the sum so raised to the said institution, to be by it applied to furnishing such pupils with suitable clothing while in said institution. (*As amended by chapter 166 of the Laws of 1871.*)

§ 4. Disposition of surplus.—If in any year hereafter there shall be any surplus of the amount above required to be paid yearly by the said counties for clothing for pupils from said counties, respectively, then such surplus shall be deducted pro rata the ensuing year from the amount above required to be paid by the said counties respectively.

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#### THE DEAF AND DUMB.

AN ACT in relation to the New York Institution for the Instruction of the Deaf and Dumb.

Chapter 272, Laws of 1854.

Section 1. Selection of pupils.—Every indigent, deaf and dumb person, resident of this state, between twelve and twenty-five years of age, whose parent or parents, or, if an orphan, whose nearest friend shall have been a resident of this state for three years, and who may make application for that purpose, shall, until provision be made by law for his or her instruction in some other institution or school, be received into the New York institution for the instruction of the deaf and dumb, provided his or her application for that purpose be first approved of by the superintendent of public instruction.

§ 2. How supported.—Each indigent pupil, so received into the institution aforesaid, shall be provided with board, lodging and tuition; and the directors of the institution shall receive for each pupil so provided for the sum of one hundred and fifty dollars per annum, in quarterly payments, to be paid by the treasurer of the state, on the warrant of the comptroller, to the treasurer of the said institution on his presenting a bill of the actual time and number of pupils attending the institution, and which bill shall be signed and verified by the oath of the president and secretary of the institution. The regular term of instruction

for such pupils shall be five years. The indigent pupils, provided for in this act shall be designated state pupils, and all the existing provisions of law applicable to state pupils now in said institution shall apply to pupils herein provided for.

§ 3. Superintendent may continue pupils for studies in higher branches.—It shall be lawful for the superintendent of public instruction to continue at the said institution, for a period not exceeding three years, for the purpose of pursuing a course of studies in the higher branches of learning, such pupils, not exceeding thirty-six in number, as may have completed their full term of instruction, and who may be recommended by the directors of said institution. (*As amended by chapter 58 of the Laws of 1885, and chapter 197 of the Laws of 1890.*)

#### CARE AND EDUCATION.

AN ACT to provide for the care and education of indigent deaf-mutes under the age of twelve years.

Chapter 325, Laws of 1863.

Section 1. Deaf-mutes to be placed in state institutions.—Whenever a deaf-mute child, under the age of twelve years, shall become a charge for its maintenance on any of the towns or counties of this state, or shall be liable to become such charge, it shall be the duty of the overseers of the poor of the town, or of the supervisors of such county, to place such child in the New York Institution for the Deaf and Dumb, or in the Institution for the Improved Instruction of Deaf-mutes, or in the Le Conteulx St. Mary's Institution for the Improved Instruction of Deaf-mutes, in the city of Buffalo, or in the Central New York Institution for Deaf-mutes, in the city of Rome, or in any institution of the state for the education of deaf-mutes. (*As amended by chapter 213 of the Laws of 1875.*)

§ 2. Deaf-mute children, placing of, upon application of parents, etc., in certain institutions.—Any parent, guardian or friend of a deaf-mute child, within this state, over the age of five years and under the age of twelve years, may make application to the overseer of the poor of any town or to any supervisor of the county where such child may be, showing by satisfactory

affidavit or other proof, that the health, morals or comfort of such child may be endangered, or not properly cared for, and thereupon it shall be the duty of such overseer or supervisor to place such child in the New York Institution for the Deaf and Dumb, or in the Institution for the Improved Instruction of Deaf-mutes, or in the Le Couteulx Saint Mary's Institution for the Improved Instruction of Deaf-Mutes in the city of Buffalo, or in the Central New York Institution for Deaf-Mutes in the city of Rome, or in the Albany Home School for the Oral Instruction of the Deaf at Albany, or in any institution in the state, for the education of deaf-mutes, as to which the board of state charities shall have made and filed with the superintendent of public instruction a certificate to the effect that said institution has been duly organized and is prepared for the reception and instruction of such pupils. (*As amended by chapter 213 of the Laws of 1875, and chapter 36 of the Laws of 1892.*)

§ 3. Expense.—The children placed in said institutions, in pursuance of the foregoing sections, shall be maintained therein at the expense of the county from whence they came, provided that such expense shall not exceed three hundred dollars each per year, until they attain the age of twelve years, unless the directors of the institution to which a child has been sent shall find that such child is not a proper subject to remain in said institution. (*As amended by chapter 213 of the Laws of 1875.*)

§ 4. Id.—The expenses for the board, tuition and clothing for such deaf-mute children, placed as aforesaid in said institutions, not exceeding the amount of three hundred dollars per year, above allowed, shall be raised and collected as are other expenses of the county from which said children shall be received; and the bills therefor, properly authenticated by the principal or one of the officers of the institution, shall be paid to said institution by the said county; and its county treasurer or chamberlain, as the case may be, is hereby directed to pay the same on presentation, so that the amount thereof may be borne by the proper county. (*As amended by chapter 213 of the Laws of 1875.*)

THE CONSOLIDATED SCHOOL LAW.

Chapter 556, Laws of 1894.

TITLE XV.

ARTICLE 12.

ORPHAN SCHOOLS.

§ 32. The schools of the several incorporated orphan asylum societies in this state, other than those in the city of New York, shall participate in the distribution of the school moneys, in the same manner and to the same extent, in proportion to the number of children educated therein, as the common schools in their respective cities or districts. The schools of said societies shall be subject to the rules and regulations of the common schools in such cities or districts, but shall remain under the immediate management and direction of the said societies as heretofore.

1. ORPHAN ASYLUMS. Payment of public moneys for secular education of inmates. St. Mary's Boys' Orphan Asylum of the city of Rochester, incorporated under chapter 319 of the Laws of 1848, is neither a school nor an institution of learning within the meaning of section 4 of article 9 of the Constitution prohibiting the payment of public moneys to a denominational school or institution of learning, but on the contrary is an orphan asylum within the meaning of section 14 of article 8 of the Constitution permitting the payment of public moneys for the secular education of the inmates therein.

2. BOARD OF EDUCATION OF CITY OF ROCHESTER EXPRESSLY AUTHORIZED TO EMPLOY AND PAY TEACHERS. Under the charter of the city of Rochester (L. 1880, ch. 14, § 131, amd. L. 1898, ch. 660, § 127) and under the Consolidated School Law (L. 1894, ch. 556, tit. 15, art. 12, § 32) the board of education is not only expressly authorized to employ and pay teachers for the secular education of the inmates of such asylum but their employment for that purpose is imposed upon it as a duty.

3. SECTARIAN CONTROL IMMATERIAL. The fact that such asylum is controlled by a religious organization and that the teachers employed by the board of education, who were duly licensed to teach by the public authorities, were members of a sisterhood connected with such denominations, is immaterial, since the statute clearly recognizes the fact that the instruction of the inmates is neither practicable nor possible elsewhere than in the institution itself, and it is the duty of the board to provide for their secular education therein, regardless of the religious belief of those in control of the asylum.

4. **STATUTES AUTHORIZING EMPLOYMENT NOT MANDATORY.** The several statutes under which the moneys are raised and paid over to the board of education for the purpose of defraying the expense of secular education in orphan asylums are not mandatory and, therefore, violative of the Constitution; but if they were they could properly be disregarded by the local authorities.

*Supreme Court, November, 1902, Sargent v. Board of Education, 76 App. Div. 588; affirmed, Court of Appeals, January, 1904, 177 N. Y. 317; 79 N. Y. Supp. 127.*

## ARTICLE 14.

### DEAF AND DUMB AND BLIND INSTITUTIONS.

§ 40. All the institutions for the instruction of the deaf and dumb, and blind, and all other similar institutions, incorporated under the laws of the state, or that may be hereafter incorporated, shall be subject to the visitation of the superintendent of public instruction, and it shall be his duty:

1. To inquire, from time to time, into the expenditures of each institution, and the systems of instruction pursued therein, respectively.

2. To visit and inspect or cause to be visited and inspected, the schools belonging thereto, and the lodgings and accommodations of the pupils.

3. To ascertain by a comparison with other similar institutions, whether any improvements in instruction and discipline can be made; and for that purpose to appoint, from time to time, suitable persons to visit the schools.

4. To suggest to the directors of such institutions and to the legislature such improvements as he shall judge expedient.

5. To make an annual report to the legislature on all the matters before enumerated, and particularly as to the condition of the schools, the improvement of the pupils, and their treatment in respect to board and lodging.

§ 41. All deaf and dumb persons resident in this state and upwards of twelve years of age, who shall have been resident in this state for one year immediately preceding the application, or, if a minor, whose parent or parents, or, if an orphan, whose nearest friend shall have been resident in this state for one year immediately preceding the application, shall be eligible to appointments as state pupils in one of the deaf and dumb institu-

tions of this state, authorized by law to receive such pupils; and all blind persons of suitable age and similar qualifications shall be eligible to appointment to the Institution for the Blind in the City of New York, or in the village of Batavia, as follows: All such as are residents of the counties of New York, Kings, Queens, Suffolk, Nassau, Richmond, Westchester, Putnam and Rockland, shall be sent to the Institution for the Blind in the City of New York. Those who reside in other counties of the state shall be sent to the institution for the blind in the village of Batavia. All such appointments, with the exception of those to the institution for the blind in the village of Batavia, shall be made by the superintendent of public instruction, upon application, and in those cases in which, in his opinion, the parents or guardians of the applicants are able to bear a portion of the expense, he may impose conditions whereby some proportionate share of expense of educating and clothing such pupils shall be paid by their parents, guardians, or friends in such manner and at such times as the superintendent shall designate, which conditions he may modify from time to time, if he shall deem it expedient to do so. (*As amended by chapter 62 of the Laws of 1903.*)

§ 42. Each pupil so received into either of the institutions aforesaid shall be provided with board, lodging and tuition; and the directors of the institution shall receive for each pupil so provided for, the sum of                      dollars per annum, in quarterly payments, to be paid by the treasurer of the state, on the warrant of the comptroller, to the treasurer of said institution, on his presenting a bill showing the actual time and number of such pupils attending the institution, and which bill shall be signed by the president and secretary of the institution, and verified by their oaths. The regular term of instruction for such pupils shall be five years; but the superintendent of public instruction may, in his discretion, extend the term of any pupil for a period not exceeding three years. The pupils provided for in this and the preceding section of this title shall be designated state pupils; and all the existing provisions of law applicable to state pupils now in said institution shall apply to pupils herein provided for.

§ 43. The superintendent of public instruction may make such regulations and give such directions to parents and guardians, in

relation to the admission of pupils into either of the above-named institutions, as will prevent pupils entering the same at irregular periods.

§ 43-a. The supervisors of any county in this state from which county state pupils may be hereafter appointed to any institution for the instruction of the deaf and dumb, whose parents or guardians are unable to furnish them with suitable clothing, are hereby authorized and required to raise in each year for this purpose for each such pupil from said county, the sum of thirty dollars. (*Added by chapter 223 of the Laws of 1903.*)

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**NEW YORK INSTITUTION FOR THE INSTRUCTION OF THE  
DEAF AND DUMB.**

AN ACT to amend an act entitled "An act in relation to the New York institution for the instruction of the deaf and dumb," passed April eighteenth, eighteen hundred and thirty-eight.

**Chapter 386, Laws of 1864.**

§ 1. Amendment.—The third section of the act entitled "An act in relation to the New York institution for the instruction of the deaf and dumb," passed April eighteenth, eighteen hundred and thirty-eight, is hereby amended so as to read as follows:

§ 2.\* Money may be raised to clothe indigent pupils.—The supervisors of any county in this state from which county pupils may be selected, whose parents or guardians are unable to furnish them with suitable clothing, are hereby authorized and required to raise in each year for this purpose, for each such pupil from said county, the sum of thirty dollars.

AN ACT relative to the care and education of deaf-mutes.

**Chapter 180, Laws of 1870.**

§ 2. Expenses.—All provisions of law now existing, fixing the expense of the board, tuition and clothing of children under twelve years placed in the New York Institution for the Instruction of the Deaf and Dumb, shall apply to children who may, from time to time, be placed in the said institution for the improved instruction of deaf-mutes, in the same manner, and with the like effect, as if said last-mentioned institution had also

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\*So in original.



originally been named in the acts fixing such compensation, and as if said acts had provided for the payment thereof to the institution last-mentioned, and the bills therefor properly authenticated by the principal or one of the officers of the said last-mentioned institution shall be paid to said institution by the counties respectively from which such children were severally received, and the county treasurer or chamberlain, as the case may be, is hereby directed to pay the same on presentation, so that the amount thereof may be borne by the proper county.

**SUPERVISORS MAY GRANT PERMISSION TO ATTEND SCHOOLS FOR DEAF.**

AN ACT relative to the care and education of deaf-mutes.

**Chapter 253. Laws of 1874.**

Section 1. Application by parent, guardian, etc.; duty of supervisor.—Any parent, guardian or friend of any deaf-mute child within this state, over the age of six years and under the age of twelve years, may make application to the supervisor of the town or city where such child may be, for a permit or order to place such child in the New York Institution for the Deaf and Dumb or in the Institution for the Improved Instruction of Deaf-Mutes, or in any of the deaf-mute institutions of this state, and it shall be the duty of such supervisor, if in his judgment the means of the child, or the parents or parent of such child, will not enable them to defray the expense in a public institution, to grant such permit or order and to cause said child to be received and placed in such one of the institutions of this state for the education of deaf-mutes, as the said supervisor shall select.

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**WESTERN NEW YORK INSTITUTION FOR DEAF-MUTES, ROCHESTER.**

AN ACT in relation to the Western New York Institution for Deaf-Mutes.

**Chapter 331. Laws of 1876.**

Section 1. Reception of pupils.—The Western New York Institution for Deaf-Mutes, at Rochester, is hereby authorized

to receive deaf and dumb persons between the ages of twelve and twenty-five years, eligible to appointment as state pupils, and who may be appointed to it by the superintendent of public instruction, and the superintendent of public instruction is authorized to make appointments to said institution in the same manner and upon the same conditions as to the New York Institution for the Instruction of the Deaf and Dumb.

§ 2. Powers of supervisors, etc.—Supervisors of towns and wards and overseers of the poor are hereby authorized to send to the Western New York Institution for Deaf-Mutes, deaf and dumb persons between the ages of six and twelve years, in the same manner and upon the same conditions as such persons may be sent to the New York Institution for the Instruction of the Deaf and Dumb, under the provisions of chapter three hundred and twenty-five of the laws of eighteen hundred and sixty-three.

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**NORTHERN NEW YORK INSTITUTION FOR DEAF-MUTES,  
MALONE.**

AN ACT in relation to the Northern New York Institution for Deaf-Mutes, at Malone, New York.

Chapter 275, Laws of 1884.

Section 1. Institutions may receive pupils, etc.—The Northern New York Institution for Deaf-Mutes at Malone, is hereby authorized to receive deaf and dumb persons, between the ages of twelve and twenty-five years, eligible to appointment as state pupils, and who may be appointed to it by the superintendent of public instruction, and the superintendent of public instruction is authorized to make appointments to the aforesaid institution.

§ 2. Supervisors, etc., may send pupils under provisions of law named.—Supervisors of towns and wards and overseers of the poor are hereby authorized to send to the Northern New York Institution for Deaf-Mutes, deaf and dumb persons between the ages of six and twelve years, under the provisions of chapter three hundred and twenty-five of the laws of eighteen hundred and sixty-three, as amended by chapter two hundred and thirteen of the laws of eighteen hundred and seventy-five. Provided that before any pupils are sent to said institution the

board of state charities shall have made and filed with the superintendent of public instruction a certificate to the effect that said institution has been duly organized and is prepared for the reception and instruction of such pupils.

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**NEW YORK STATE HOSPITAL FOR THE CARE OF CRIPPLED  
AND DEFORMED CHILDREN.**

Chapter 369, Laws of 1900.

- Section 1. Establishment of the New York state hospital for the care of crippled and deformed children.
2. Board of managers, appointment of.
  3. Powers and duties of board of managers.
  4. Powers and duties of the surgeon-in-chief.
  5. Salaries and compensation for services.
  6. Powers and duties of the treasurer.
  7. Official oath.
  8. Who may receive judgment.
  9. Donations.
  10. Managers' report of receipts.
  11. Appropriations for maintenance of hospital.

Section 1. Establishment of the New York state hospital for the care of crippled and deformed children.—A state hospital, to be known as the New York state hospital for the care of crippled and deformed children, that shall be for the care and treatment of any indigent children who may have resided in the state of New York for a period of not less than one year, who are crippled or deformed or are suffering from disease from which they are likely to become crippled or deformed, shall be established in the city of New York or within a reasonable distance of said city of New York. No patient suffering from an incurable disease shall be admitted to said hospital. Said hospital shall provide for and permit the freedom of religious worship of said inmates to the extent and in the manner required in other institutions, by chapter three hundred and ninety-six of the laws of eighteen hundred and ninety-two entitled "An act to provide for better security of freedom of worship in certain institutions."

§ 2. Board of managers, appointment of.—The governor by and with the advice and consent of the senate, shall appoint five citizens of this state who shall constitute the board of managers of the New York state hospital for the care of crippled and deformed children. The full term of office of each manager shall be five years, and the term of office of one of such managers shall expire annually. To effect such order of expiration of the term of office of the managers, the first appointment shall be made for the respective terms of five, four, three, two and one years. Appointments of successors to fill vacancies occurring by death, resignation or other cause, shall be made for the unexpired term. Other appointments shall be for the full term. Failure of any manager to attend the regular meetings of the board for the period of one year, shall be considered as a resignation therefrom, and his office shall be declared vacant by resolution of the board. A certified copy of such resolution shall forthwith be transmitted by the board to the governor. The managers shall receive no compensation for their services, but shall be allowed their reasonable traveling and other expenses. Such expenses shall be duly verified and paid by the treasurer of the board on the audit of the comptroller. Any of said new trustees may be removed from office by the governor for any cause that he may deem sufficient, after an opportunity to be heard in his defense, and the vacancy may be filled as herein provided. Three members of the board shall constitute a quorum for the transaction of business.

§ 3. Powers and duties of board of managers.—The board of managers shall have the general direction and control of the property and affairs of said hospital, which are not otherwise specially provided by law, subject to the inspection, visitation and powers of the state board of charities. They may acquire and hold, in the name of and for the people of the state of New York, by grant, gift, devise or bequest, property to be applied to the maintenance of indigent children who are crippled or deformed or are suffering from diseases through which they are likely to become crippled or deformed in and for the general use of the hospital. They shall,

1. Take care of the general interests of the hospital and see that this design is carried into effect according to law and its by-laws, rules and regulations.

2. Keep in a book provided for that purpose a fair and full record of their doings, which shall be open at all times to the inspection of the governor of the state, the state board of charities, or any person appointed by the governor, the state board of charities, or either house of the legislature, to examine the same.

3. Make a detailed report to the state board of charities, in each month of October, in such form as said state board of charities may require, and with such recommendations as said managers may deem expedient, together with a statement of all moneys received by them and of the progress made in the erection of buildings for hospital purposes, if any, for the year ending on the thirtieth day of September preceding the date of such report.

4. Establish such by-laws as they may deem necessary or expedient for regulating the duties of officers, assistants and employes of the hospital and make and enforce rules and regulations for the internal government, discipline and management of the same.

5. They shall appoint a surgeon-in-chief who shall be a person of suitable experience in the care and treatment of disabling and deforming diseases, and may for cause at any time remove him and appoint his successor. They shall also appoint a treasurer who shall have the custody of all moneys, obligations and securities belonging to the hospital.

§ 4. Powers and duties of the surgeon-in-chief.—The surgeon-in-chief shall be the superintendent of the hospital. He shall appoint and may remove the steward, matron and such assistant physicians and surgeons, assistants and attendants as may be necessary for the proper treatment of the patients under the care of the hospital, and shall have power to fill vacancies as often as they occur. Subject to the by-laws and regulations established by the board of managers, he shall have the general superintendence of the property, buildings, grounds, fixtures and effects, and control of all persons therein. He shall also,

1. Provide for ascertaining daily the condition of all the patients and proper prescription for their treatment.

2. Keep a book in which he shall cause to be entered at the time of the reception of any patient, his or her name, residence

and occupation, and the date of such reception, by whom brought and by what authority committed, and an abstract of all orders, warrants, requests, certificates and other papers accompanying such person.

3. On or before the fifteenth of each month cause to be prepared by the steward, estimates in duplicate of the amount required for the expenses of the hospital for the current month, including salaries and compensation of employes, which estimates shall be certified by him to be required for the hospital. When approved by the board of managers, one of said estimates shall be transmitted to the comptroller who shall, if he approve of the same, issue his warrant for the amount thereof and transmit the same to the treasurer of the hospital.

§ 5. Salaries and compensation for services.—All surgical and medical officers of the hospital, except the surgeon-in-chief, shall render their services gratuitously. All salaries and compensation of officers and employes shall be fixed by the board of managers with the approval of the comptroller, president of the state board of charities and the governor, within the appropriation made therefor.

§ 6. Powers and duties of treasurer.—The treasurer shall have the custody of all moneys, obligations and securities belonging to the hospital. He shall,

1. Open with some good and solvent bank conveniently near the hospital, to be selected with the approval of the comptroller of the state, an account in his name as such treasurer, for the deposit therein of all moneys, immediately upon receiving the same, and drawing from same only for the use of the hospital, in the manner prescribed in the by-laws, upon the written order of the steward specifying the object of the payment, approved by the surgeon-in-chief and subject to audit by the board of managers.

2. Keep a full and accurate account of all receipts and payments in the manner directed by the by-laws, and such other accounts as the managers shall prescribe.

3. Balance all accounts on his books annually on the last day of September and make a statement thereof and an abstract of the receipts and payments of the past year, and deliver the same within thirty days to the auditing committee of the managers

who shall compare the same with the books and vouchers and verify the results upon further comparison with the books of the steward and certify to the correctness thereof to the managers at their next meeting.

4. Render statements quarterly in each year of his receipts and payments for the three months then next preceding to such auditing committee, who shall compare, verify and certify in regard to the same in the manner provided in the last preceding subdivision, and cause the same to be recorded in one of the books of the hospital.

5. Render a further account of the state of the books, and of the state of the funds and of the property in his hands, whenever required by the managers. Execute any necessary release and satisfaction of mortgage, judgment or other lien in favor of the hospital.

6. Such treasurer shall give an undertaking to the people of the state for the faithful performance of his duties, with such sureties and in such amount as the comptroller of the state shall approve.

§ 7. Official oath.—The surgeon-in-chief, treasurer and steward, before entering upon their duties as such, shall take the constitutional oath of office and file same in the office of the clerk of the county of New York.

§ 8. Who may receive treatment.—No patient shall be received except upon satisfactory proof made to the surgeon-in-chief by the next of kin, guardian or a state, town or county officer under rules to be established by the board of managers showing that the patient is unable to pay for private treatment. Such proof shall be by affidavit. If there was an attending physician before the patient entered the hospital, it shall be accompanied by the certificate of such physician giving the previous history and condition of the patient.

§ 9. Donations.—All donations made to the hospital may be received, retained and expended by the managers for the purposes for which they were given, or in such manner if unaccompanied by conditions, as the board deems advisable.

§ 10. Managers' report of receipts.—The managers shall make detailed report of all moneys received by them by virtue of this act, and the progress made in the erection of any buildings that

may be hereafter from time to time erected, to the legislature, in January of each year, and also to the comptroller as often and in such manner as the comptroller shall or may from time to time require.

§ 11. Appropriation for maintenance of hospital.—There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, the sum of fifteen thousand dollars, or so much thereof as may be necessary, for New York state hospital for the care of crippled and deformed children in carrying out the provisions of this act.

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**NEW YORK STATE HOSPITAL FOR THE TREATMENT OF  
INCIPIENT PULMONARY TUBERCULOSIS.**

**Chapter 416, Laws of 1900.**

- Section** 1. Establishment and objects of hospital.
2. Trustees.
  3. Lands.
  4. Powers and duties of trustees.
  5. Annual report; state board of charities.
  6. Donations in trust.
  7. Site of hospital.
  8. Buildings and improvements.
  9. Superintendent and treasurer.
  10. Duties of superintendent.
  11. Duties of treasurer.
  12. Medical assistants and examining physicians.
  13. Free patients.
  14. Private patients.
  16. Support of private patients.
  15. Support of free patients.
  17. Appropriation.
  18. When to take effect.

**Section 1.** Establishment and objects of hospital.—A state hospital in some suitable locality in the Adirondacks, for the treatment of incipient pulmonary tuberculosis is hereby established.

§ 2. Trustees.—The governor, by and with the advice and consent of the senate, shall appoint five citizens of this state, of



whom two shall be physicians, who shall constitute the board of trustees of the New York state hospital for the treatment of incipient pulmonary tuberculosis. The full term of office of each trustee shall be five years, and the term of office of one of such trustees shall expire annually. To effect such order of expiration of terms of trustees, the first appointments shall be made for the respective terms of five, four, three, two and one years. Appointments of successors shall be for the full term of five years, except that appointment of persons to fill vacancies occurring by death, resignation or other cause, shall be made for the unexpired term. Failure of any trustee to attend in each year two stated meetings of the board shall cause a vacancy in his office, unless said absence be excused by formal action of the board. The trustees shall receive no compensation for their services, but shall be allowed their actual and necessary traveling and other expenses, to be paid on the audit and warrant of the comptroller. Any of said trustees may at any time be removed from office by the governor by and with the consent of the senate for any cause they may deem sufficient after an opportunity to be heard in his or her defense, and others may be appointed in their places as herein provided. Three members of the board of trustees shall constitute a quorum, but no business involving expenditure shall be transacted except by the affirmative vote of at least three members.

§ 3. Lands.—The lands to be held for the purposes herein mentioned shall not be taken for any street, highway or railway without leave of the legislature.

§ 4. Powers and duties of trustees.—For the purposes of this act the said trustees and their successors shall be a body corporate with all the powers necessary to carry into effect the purposes of this act, together with the following powers, duties and obligations. They shall,

1. Take care of the general interests of the hospital and see that its design is carried into effect, according to law, and its by-laws, rules and regulations.

2. Establish such by-laws, rules and regulations as they may deem necessary and expedient for regulating the appointment and duties of officers and employes of the hospital, and for the internal government, discipline and management of the same.

3. Maintain an effective inspection of the affairs and management of the hospital, for which purpose the board shall meet at the hospital at least once in every three months, and at such other times as may be prescribed in the by-laws. The annual meeting of the board of trustees shall be held on the second Saturday of January.

4. Keep in a book provided for that purpose, a fair and full record of the doings of the board, which shall be open at all times to the inspection of its members, the governor of this state, and officers of the state board of charities, or any person appointed by the governor or either house of the legislature to examine the same.

5. Cause to be typewritten within ten days after each meeting of such trustees or of a committee thereof, the minutes and proceedings of such meeting, and cause a copy thereof to be sent to each member of such board.

6. Enter in a book kept by them for that purpose, the date of each of their visits, and the condition of the hospital and patients and all such trustees present shall sign the same.

7. Make to the legislature in January of each year, a detailed report of the results of their visits and inspection, with suitable suggestions and such other matter as may be required of them by the governor, for the year ending on the thirty-first day of December, preceding the date of such report. The resident officers shall admit such trustees into every part of the hospital and its buildings, and exhibit to them on demand all the books, papers, accounts and writings belonging to the hospital or pertaining to its business management, discipline or government, and furnish copies, abstracts and reports whenever required by them.

§ 5. Annual report; state board of charities.—The board of trustees of the hospital shall annually, on or before the first day of November, for the preceding fiscal year, report to the state board of charities the affairs and conditions of the hospital, with full and detailed estimates of the next appropriation required for maintenance and ordinary uses and repairs, and of special appropriations, if any, needed for extraordinary repairs, renewals, extensions, improvement, betterments or other necessary objects, as also for the erection of additional buildings; and the

state board of charities shall, in its annual report to the legislature, certify what appropriations are, in its opinion, necessary and proper. The said hospital shall be subject to the visitation and to the general powers of the state board of charities.

§ 6. Donations in trust.—The trustees may take and hold in trust for the state any grant or devise of land, or any gift or bequest of money or other personal property, or any donation, to be applied, principal or income, or both, to the maintenance and the general uses of the hospital.

§ 7. Site of hospital.—The said trustees are hereby empowered to select a site for the establishment of said state hospital, such site to be subject to the approval of the state board of health and the forest preserve board. The said trustees are empowered to contract for the purchase of, to acquire title to and to hold a tract of land not exceeding one thousand acres in extent for the establishment of such hospital, or at the request of the said trustees, subject to the approval of the state board of health, the forest preserve board may set apart a like amount of land now owned by the state for the purposes of said hospital.

§ 8. Buildings and improvements.—The trustees to be appointed under the provisions of this act are authorized, empowered and required as soon as the site for such hospital is selected and approved to proceed with the construction and equipment of all necessary and suitable buildings including heating, lighting, plumbing, laundry fixtures and water supply therefor, and with the construction of roads thereto, upon plans adopted by them, to be approved by the state architect, and the state board of charities at an expense not to exceed one hundred and fifty thousand dollars, which buildings shall furnish accommodations for at least two hundred patients beside the officers, employes and attendants of said institution. The said trustees shall have power to select plans approved as above and to make and award contracts for the erection and construction of said buildings, and the equipment above provided; but no part of the several sums herein appropriated shall be available for any construction, improvement or purchase unless a contract or contracts shall have first been made for the completion or purchase within the appropriation therefor and the performance thereof secured by a satisfactory bond approved by the comptroller.

§ 9. Superintendent and treasurer.—The trustees shall also have power to appoint a superintendent of the hospital, who shall be a well-educated physician, not a member of the board of trustees, a graduate of a legally chartered medical college, with an experience of at least six years in the actual practice of his profession, including at least one year's actual experience in a general hospital, and a treasurer, who shall give an undertaking to the people of the state for the faithful performance of his trust in such penal sum and form and with such sureties as the comptroller shall approve. Said officers may be discharged or suspended at any time by the said board of trustees in its discretion.

§ 10. Duties of superintendent.—The superintendent shall

1. Appoint such employes as are necessary and proper for the due administration of the affairs of such institution, prescribe their duties and places and, subject to the approval of the trustees, fix their compensation, within the appropriation fixed therefor.

2. Oversee and secure the individual treatment and personal care of each and every patient of the hospital while resident therein, and keep a proper oversight over all the inhabitants thereof.

3. Have the general superintendence of the buildings and grounds with their furniture and fixtures and the direction and control of all persons employed in and about the same.

4. Give from time to time such orders and instructions as he may deem best calculated to induce good conduct, fidelity and economy in any department for the treatment of patients.

5. Maintain salutary discipline among all employes, patients, and inmates of the hospital, and enforce strict compliance with his instructions, and obedience to all the rules and regulations of the hospital. He shall, under the supervision and control of the board, discharge such patients as are sufficiently restored to health, or such as are found to be unsuitable patients for the hospital.

6. Cause full and fair accounts and records of the conditions and prospects of the patients to be kept regularly, from day to day, in books provided for that purpose.

7. See that such accounts and records shall be fully made up to the first days of January, April, July and October, in each year, and that the principal facts and results with the report thereon be presented to the trustees at their regular meetings.

8. Conduct the official correspondence of the hospital, and keep a record or copy of all letters written, and files of all letters received.

9. Prepare and present to the board, at its annual meeting, a true and perfect inventory of all the personal property and effects belonging to the hospital, and account, when required by the board, for the careful keeping and economical use of all furniture, stores and other articles furnished for the hospital.

§ 11. Duties of treasurer.—The treasurer, among his other duties, shall

1. Have the custody of all moneys received and all money, notes, mortgages and other securities and obligations belonging to the hospital.

2. Keep a full and accurate account of all receipts and payments, in the form prescribed by the by-laws, and such other accounts as shall be required of him by the trustees.

3. Balance all the accounts on his books on the first day of each January, and make a statement thereof, and an abstract of all the receipts and payments of the past year; and within five days thereafter deliver the same to the auditing committee of the trustees, who shall compare the same with his books and vouchers, and verify the same by a comparison with the books of the superintendent, and certify the correctness thereof to the trustees at their annual meeting.

4. Render a quarterly statement of his receipts and payments to such auditing committee who shall, in like manner as above, compare, verify, report and certify the result thereof, to the trustees at their annual meeting, who shall cause the same to be recorded in one of the books of the hospital.

5. Render a further account of the state of his books, and of the funds and other property in his custody, whenever required by the trustees.

6. Receive for the use of the hospital, money which may be paid upon obligations or securities in his hands belonging to the

hospital; and all sums paid to the hospital for the support of any patient therein or for actual disbursements made in said patient's behalf for necessary clothing and traveling expenses; and money paid to the hospital from any other source.

7. Prosecute an action in the name of the hospital to recover money due or owing to the hospital, from any source; including the bringing of suit for breach of contract between private patients or their representatives and the trustees of the hospital.

8. Execute a release and satisfaction of a mortgage judgment, lien or other debt when paid.

9. Pay the salaries of the superintendent and of all employees of the hospital, and the disbursements of the officers and members of the board as aforesaid. The treasurer shall have power to employ counsel, subject to the approval of the board of trustees.

10. Deposit all moneys received for the care of private patients and all other revenues of the hospital, in a bank designated by the comptroller, and as often as the comptroller may require, transmit to the comptroller a statement showing the amount so received and deposited and from whom, and for what received, and the dates on which such deposits were made. Such statement of deposit shall be certified by the proper officer of the bank receiving such deposit or deposits. The treasurer shall make affidavit that the sum so deposited is all the money received by him from any source of income for the hospital up to the date of the latest deposit appearing on such statement. A bank designated by the comptroller to receive such deposits shall, before any deposit be made, execute a bond to the people of the state in a sum and with sureties to be approved by the comptroller, for the safe keeping of such deposits.

§ 12. Medical assistants and examining physicians.—All medical assistants shall be appointed by the superintendent. No medical assistant shall be appointed who is not a well-educated physician and a graduate of a legally chartered medical college, and with an experience of at least two years in the actual practice of his profession, including at least one year's actual experience in a general hospital. Said trustees shall also appoint in all the cities of the state reputable physicians, citizens of the state of New York, who shall examine all persons applying for

admission to said hospital for treatment. There shall be not less than two nor more than four of such examining physicians appointed in cities of the first class, and two each in cities of the second and third class. Said examining physicians shall have been in the regular practice of their profession for at least five years, and shall be skilled in the diagnosis and treatment of pulmonary diseases. Their fee or compensation for each patient examined shall be three dollars. Not more than one-half of all the physicians to be appointed under this section shall belong to the same school of medicine or practice.

§ 13. Free patients.—The trustees of said hospital to be appointed under and pursuant to the provisions of this act, and their successors, are hereby given power and authority to receive therein patients who have no ability to pay, but no person shall be admitted to the hospital who has not been a citizen of this state for at least one year preceding the date of application. Every person desiring free treatment in said hospital shall apply to the local authorities of his or her town, city or county having charge of the relief of the poor, who shall thereupon issue a written request to the superintendent of said hospital for the admission and treatment of such person. Such request shall state in writing whether the person is able to pay for his or her care and treatment while at the hospital, which request and statement shall be kept on file by the superintendent of the hospital. Such requests shall be filed by the superintendent in a book kept for that purpose in the order of their receipt by him. When said hospital is completed and ready for the treatment of patients, or whenever thereafter there are vacancies caused by death or removal, the said superintendent shall thereupon issue a request to an examining physician, appointed as provided for in section twelve, in the same city or county, and if there be no such examining physician in said city or county then to the nearest examining physician, for the examination by him of said patient. Upon the request of such superintendent said examining physician shall examine all persons applying for free admission and treatment in said institution, and determine whether such persons applying are suffering from incipient pulmonary tuberculosis. No person shall be admitted as a patient

in said institution without the certificate of one of said examining physicians certifying that such applicant is suffering from incipient pulmonary tuberculosis, and if upon the reception of a person at such hospital, it is found by the authorities thereof that he is not suffering from incipient pulmonary tuberculosis, or is suffering from pulmonary tuberculosis in such an advanced stage as to prevent his deriving any benefit from care and treatment at such hospital, he shall be returned to the place of his residence, and the expense of transportation to and from the hospital shall be paid by said local authorities. Admissions to said hospital shall be made in the order in which the names of applicants shall appear upon the application book to be kept as above provided by the superintendent of said hospital, in so far as such applicants are subsequently certified by the said examining physician to be suffering from incipient pulmonary tuberculosis. Every person who is declared as herein provided to be unable to pay for his or her care or treatment shall be transported to and from the hospital at the expense of said local authorities, and cared for, treated and maintained therein at the expense of the municipality which would otherwise be chargeable with the support of such poor or indigent person; and the expense of transportation, treatment, maintenance and the actual cost of articles of clothing furnished by the hospital to such poor or indigent person shall be a county, city or town charge, as the case may be.

*(As amended by chapter 108 of the Laws of 1902, and chapter 376 of the Laws of 1906.)*

§ 14. Private patients.—Applicants for admission to this institution who are able to pay for their care and treatment are not required to obtain a written request from the local authorities having charge of the relief of the poor, but shall apply in person to the superintendent who shall enter the name of such applicant in the book to be kept by him, for that purpose, as provided in section thirteen; and when there is room in said hospital for the admission of such applicant, without interfering with the preference in the selection of patients, which shall always be given to the indigent, such patient shall be admitted to the hospital upon the certificate of one of the examining physicians, which certificate shall be kept on file by the said superintendent.



§ 15. Support of free patients.—At least once in each month the superintendent of the hospital shall furnish to the comptroller and to the local authorities of each county, city or town, as the case may be, having charge of the relief of the poor, a list of all the free patients in the hospital that are accredited each respective county, city or town and who are shown by the statement of such local authorities to be unable to pay for their care, treatment and maintenance, under the provision of section thirteen of this chapter. And shall accompany each such list with a bill of charges for care, treatment and maintenance at a rate not exceeding five dollars per week for each such free patient, together with items of expense of transportation, fee of the examining physician and the actual cost of articles of clothing furnished by the hospital to each such free patient. The superintendent of the hospital shall thereupon collect from the said local authorities of the counties, cities and town such sums as may be due therefrom, and pay the same over to the state treasurer. (*As amended by chapter 108 of the Laws of 1902, and chapter 376 of the Laws of 1906.*)

§ 16. Support of private patients.—The trustees shall have power and authority to fix the charges to be paid by patients who are able to pay for their care and treatment in said hospital or who have relatives bound by law to support them, who are able to pay therefor.

§ 17. Appropriation.—The sum of fifty thousand dollars is hereby appropriated for the purpose of purchasing a site and of erecting, constructing and equipping the hospital and buildings as herein provided. The treasurer of the state shall, on the warrant of the comptroller, and on the certificate of the state architect pay to the treasurer of the trustees of said hospital the above named sum in such amounts as may, from time to time, in the judgment of the trustees, be necessary.

#### STATE AGRICULTURAL AND INDUSTRIAL SCHOOL.

AN ACT authorizing the selection of lands as a new site for the state industrial school.

Chapter 527, Laws of 1902.

Section 1. Selection of lands.—For the purpose of acquiring a new site for the state industrial school, the governor, the comp-

troller, the president of the state board of charities, the state architect, and the president of the board of managers of said school, shall, as soon as practicable, select such lands in Monroe county as in their opinion should be secured for a new site for the state industrial school, and to which such school shall be removed. The lands so selected shall comprise one thousand acres, as near as may be. They shall cause to be made by the state engineer and surveyor a map or maps of the lands so selected, which shall be certified by a majority of them and filed in the office of the secretary of state, and duplicates thereof in the office of the clerk of Monroe county.

§ 2. Contracts for sale of lands.—They shall ascertain upon what terms the lands so selected can be purchased of the owner or owners thereof, and whether a good, clear and unincumbered title can be conveyed to the state of New York. They may enter into contracts with such owners, which shall bind such owners to convey to the state the lands described therein at any time within two years from the date thereof, if such conveyance shall be duly authorized hereafter and demanded on behalf of the state within that time.

§ 3. Estimates for improvements.—They shall also cause to be prepared a general plan of the buildings and improvements necessary to be constructed and made upon such lands in order to effect the removal of the state industrial school thereto, and shall cause to be prepared by the state architect preliminary plans and specifications of such buildings and improvements, and the estimated cost thereof.

§ 4. Report to the legislature.—They shall report to the legislature of nineteen hundred and three, the terms upon which such lands can be purchased, and whether a good, clear and unincumbered title thereto can be conveyed to the state, and shall attach to such report a corrected copy of each of such contracts. If such terms cannot be made with the owners of any of the lands so selected, and a contract for the purchase thereof has not been made, such report shall contain an estimate of the amount for which such lands can probably be purchased, based upon such facts as may be ascertained by them.

§ 5. Condemnation.—Whenever appropriation shall have been made for the purchase of the lands described in such map, and

such lands cannot be purchased upon satisfactory terms from the owner or owners thereof, or it may be found necessary, in order to acquire title thereto, then they are hereby authorized and empowered to institute and conduct proceedings in the name of the people of the state of New York, under the condemnation law for the purpose of acquiring title to such lands.

§ 6. Lands when acquired to be a site for the state industrial school.—When such lands shall have been acquired by the state, they shall be known as the state agricultural and industrial school, and be used by the state for the purpose of caring for and training all juvenile delinquents properly committed thereto by courts of competent jurisdiction in accordance with existing laws authorizing commitments to the state industrial school.

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#### NEW YORK STATE TRAINING SCHOOL FOR BOYS.

AN ACT authorizing the selection of lands as a site for the New York state training school for boys, and establishing the said school.

##### Chapter 718, Laws of 1904.

Section 1. Selection of lands.—For the purpose of acquiring a site for the New York state training school for boys, which is hereby established, the comptroller, the fiscal supervisor of state charities, the president of the board of managers of the society for the reformation of juvenile delinquents in the city of New York, the president of the state board of charities, the state architect shall, as soon as practicable select suitable lands within seventy miles of the city of New York upon which such school shall be located. The lands so selected shall comprise one thousand acres as near as may be. They shall cause to be made by the state engineer and surveyor a map or maps of the lands so selected, which shall be certified by a majority of them and filed in the office of the secretary of state, and duplicates thereof in the office of the clerk of the county wherein such lands are located. (*As amended by chapter 617 of the Laws of 1906.*)

§ 2. Contracts for sale of lands.—They shall ascertain upon what terms the lands so selected can be purchased of the owner or owners thereof, and whether a good, clear and unincumbered title can be conveyed to the state of New York. They may

enter into contracts with such owners, which shall bind such owners to convey to the state the lands described therein at any time within two years from the date thereof, if such conveyance shall be duly authorized hereafter and demanded on behalf of the state within that time.

§ 3. Estimates for improvements.—They shall also cause to be prepared a general plan of the buildings and improvements necessary to be constructed and made upon such land in order to effect the location of the said New York state training school for boys thereon, and shall cause to be prepared by the state architect preliminary plans and specifications of such buildings and improvements, and the estimated cost thereof.

§ 4. Report to the legislature.—They shall report to the legislature of nineteen hundred and seven, the terms upon which such lands can be purchased, and whether a good, clear and unincumbered title thereto can be conveyed to the state, and shall attach to such report a corrected copy of each of such contracts. If such terms cannot be made with the owners of any of the lands so selected, and a contract for the purchase thereof has not been made, such report shall contain an estimate of the amount for which such lands can probably be purchased based upon such facts as may be ascertained by them. They shall at the same time submit to the legislature proposed bills for the purpose of completing the erection and equipment of new buildings on the site selected by them, for the removal of the inmates confined in the house of refuge for juvenile delinquents as established by the society for the reformation of juvenile delinquents in the city of New York, for the future commitment of juvenile delinquents and maintenance of such institution, and providing generally for carrying out the objects and purposes of this act. (*As amended by chapter 133 of the Laws of 1905, and chapter 617 of the Laws of 1906.*)

§ 5. Condemnation.—Whenever appropriation shall have been made for the purchase of the lands described in such map, and such lands cannot be purchased upon satisfactory terms from the owner or owners thereof, or it may be found necessary, in order to acquire title thereto, then they are hereby authorized and empowered to institute and conduct proceedings in the name

of the people of the state of New York, under the condemnation law for the purpose of acquiring title to such lands.

§ 6. Lands when acquired to be a site for the New York state training school for boys.—When such lands shall have been acquired by the state, they shall be known as the New York state training school for boys, and be used by the state for the purpose of caring for and training all juvenile delinquents properly committed thereto by courts of competent jurisdiction in accordance with existing laws authorizing commitments to the house of refuge on Randall's Island.

§ 7. Negotiations with city authorities.—Such commission shall enter into negotiations with the city of New York acting by and through the commissioners of the sinking fund of said city for the purpose of agreeing on terms and conditions in consideration of which the state and managers of the society for the reformation of juvenile delinquents in the city of New York shall abandon the lands and buildings on Randall's Island in said city, now occupied by the house of refuge for juvenile delinquents in the city of New York and shall relinquish all their right and interest therein and permit the same to revert to the city of New York. Such commission and said society shall execute an agreement with the said city of New York acting by and through said board of commissioners of the sinking fund of said city conditioned upon such abandonment and relinquishment whereby said city of New York shall convey in exchange therefor to the state of New York so much of the lands and buildings situated north of Clarkson street and extending from Albany avenue to Utica avenue in the borough of Brooklyn, city of New York, as are now used for state hospital purposes, under lease from said city, or as a potter's field by said city of New York, in fee simple, free and clear of all incumbrances; and in consideration thereof, the state of New York and said society for the reformation of juvenile delinquents of the city of New York shall agree to abandon and relinquish to the city of New York the buildings and lands on Randall's Island now occupied as a house of refuge for juvenile delinquents in the city of New York, together with all their right, title and interest therein, and the same shall revert to and become the property of the said city of New York,

as provided in said agreement subject, however, to the provisions of this section as to the continued occupancy of such lands and buildings by the state and the said society for the reformation of juvenile delinquents. Said contract shall provide, however, for the continued use and occupation of said lands and buildings on Randall's Island by the state of New York, and society for the reformation of juvenile delinquents in the city of New York, until other lands shall have been acquired under the provisions of this act, and buildings with their appurtenances shall have been constructed thereon sufficient to accommodate the inmates confined in said house of refuge on Randall's Island at the time of such removal, and also the necessary officers and employees required for the proper management and care of the institution there to be conducted as a state training school for boys not to exceed eight years. Until the delivery of the deed of said property between Albany avenue and Utica avenue, north of Clarkson street, in the borough of Brooklyn, city of New York, hereinbefore referred to, the lease existing for the portion of said premises used by the state of New York for state hospital purposes, between the city of New York and the state of New York, shall be extended for a further term of at least five years, unless sooner terminated at the option of the said state of New York, on the same terms and conditions as now contained therein. The city of New York acting by and through the commissioners of the sinking fund of said city is hereby authorized to enter into the agreement and lease herein referred to, and to execute and deliver to the state of New York a deed for the said property north of Clarkson street and extending from Albany avenue to Utica avenue in the borough of Brooklyn, city of New York, hereinbefore referred to, in fee simple absolute, free and clear of all incumbrances. On receiving said deed, said commission and the managers of the society for the reformation of juvenile delinquents in the city of New York are authorized to execute a proper conveyance or release of the right, title and interest of the state and of said society in the lands and buildings on Randall's Island, now occupied as a house of refuge for juvenile delinquents in the city of New York, to the city of New York. (*As amended by chapter 133 of the Laws of 1905, and chapter 617 of the Laws of 1906.*)

EXCERPTS FROM THE STATE FINANCE LAW.

Chapter 413 of the Laws of 1897, as amended by Chapter 383 of 1899;  
432 and 457 of 1901, and 239 of 1903; and 448 of 1904.

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Section 10. Deposit of moneys by state officers.

11. Deposit of moneys by charitable and benevolent institutions.

12. Proofs required on audit by the comptroller.

13. Regulations for the transmission of public moneys.

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17. Itemized and quarterly accounts of public officers.

18. Inspection of supplies and entry in books.

19. Deposit in banks of moneys received by state institutions.

20. Annual inventory and report of institutions.

21. Rendition of accounts.

22. Statements of accounts not rendered.

23. Statements of accounts rendered.

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35. Indebtedness not to be contracted without appropriation.

36. Specific appropriation not to be used for other purposes.

37. Monthly payments to state treasurer.

38. Contracts in pursuance of appropriations.

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40. Estimates for purchase of staple articles of supplies.

Section 10. Deposit of moneys by state officers.—Every state officer or other person except the state treasurer, receiving or disbursing moneys belonging to the state, shall deposit and keep all the moneys received by him, deposited to his official credit in some responsible bank or banking house, to be designated by the comptroller, until such moneys are paid out or disbursed according to law. Every such bank or banking house, when required by the comptroller, shall execute and file in his office an undertaking to the state in such sum and with such sureties as are required and approved by him, for the safe keeping and prompt payment on legal demand therefor of all such moneys.

held by or on deposit in such bank or banking house, with interest thereon, on daily or monthly balances at such rate as the comptroller may fix. Every such undertaking shall have indorsed thereon, or annexed thereto, the approval of the attorney-general as to its form.

§ 11. Deposit of moneys by charitable and benevolent institutions.—All moneys received from the state by any charitable or benevolent institution, supported wholly or partly by moneys received from the state, shall be deposited in such national or state bank or trust company, as the comptroller may designate. Every such bank or trust company shall give an undertaking, as provided in the last section. The treasurer of such institution shall keep all the funds thereof which come into his possession from the state, deposited in his name as such treasurer in such bank or trust company.

§ 12. Proofs required on audit by the comptroller.—The comptroller shall not draw his warrant for the payment of any sum appropriated, except for salaries and other expenditures and appropriations, the amounts of which are duly established and fixed by law, until the person demanding the same presents to him a detailed statement thereof in items and makes all reports required of him by law. If such statement is for services rendered or articles furnished, it must show when, where, to whom and under what authority they were rendered or furnished. If for traveling expenses, the distance traveled, between what places, the duty or business for the performance of which the expenses were incurred, and the dates and items of each expenditure. If for transportation, furniture, blank and other books purchased for the use of offices, binding, blanks, printing, stationery, postage, cleaning and other necessary and incidental expenses, a bill duly receipted must be attached to the statement. Each statement of accounts must be verified by the person presenting the same to the effect that it is just, true and correct, that no part thereof has been paid, except as stated therein, and that the balance therein stated is actually due and owing. No payment shall be made to any salaried state officer or commissioner having an office established by law, for personal expenses incurred by him while in the discharge of his duties as such officer



or commissioner at the place where such office is located. No manager, trustee or other officer of any state charitable or other institution, receiving moneys from the state treasurer in whole or in part for the maintenance or support of such institution shall be interested in any purchase or sale by any of such officers.

§ 13. Regulations for the transmission of public moneys.—The comptroller may make such regulations and give such directions from time to time, respecting the transmission to the treasury of moneys belonging to the state from the several county treasurers and other public officers as in his judgment is most conducive to the interests of the state. He may, in his discretion, audit, allow and cause to be paid the expenses necessarily incurred under or in consequence of such regulations and directions or so much thereof as he deems equitable and just.

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§ 17. Itemized and monthly accounts of public officers.—The proper officer of each state hospital, asylum, charitable or reformatory institution, the state commission in lunacy, the state board of charities, the state board of health, the commissioners of fisheries, game and forests and all other state commissions, commissioners and boards, shall, on or before the fifteenth day of each month, render to the comptroller a detailed and itemized account of all receipts and expenditures of such hospital, asylum, institution, commission, board of commissioners during the month next preceding. Such accounts shall give in detail the source of all receipts, including the sums received from any county, and to be accompanied by original and proper vouchers for all funds paid from the state treasury, unless such vouchers have been previously filed with the comptroller and have appended or annexed thereto the affidavit of the officer making the same to the effect that the goods and other articles herein specified were purchased and received by him or under his direction or that the indebtedness was incurred under his direction; that the goods were purchased at a fair cash market price and that neither he, nor any person in his behalf, had any pecuniary or other interest in the articles purchased or in the indebtedness incurred; that he received no pecuniary or other benefit therefrom, nor any promises thereof; that the articles

contained in such bill were received by him, and that they conformed in all respects to the goods ordered by him or under his direction, both in quality and quantity. The state comptroller and the president of the state board of charities, shall from time to time classify into grades the officers and employees of the various charitable and reformatory institutions required by law to report to the fiscal supervisor and in the month of September of each year recommend to the governor such changes in the salaries or wages of such officers and employees for the ensuing fiscal year as may seem proper, but such changes shall not be made unless the governor shall approve the same in writing. Differences in the expense of living and rates of wages in the localities in which such institutions are situate may be considered. The comptroller shall have the power of audit subject to such classification. (*As amended by chapter 383 of the Laws of 1899, 432 of 1901 and 239 of 1903.*)

§ 18. Inspection of supplies and entry in books.—The steward, clerk or bookkeeper in every such institution, board or commission shall receive and examine all articles purchased or received for the maintenance thereof, compare them with the bills for the same, ascertain whether they correspond in weight, quality or quantity, and inspect the supplies thus received. Such steward, clerk or bookkeeper shall enter each bill of goods thus received in the books of the institution or department at the time of receipt thereof. He shall make a full memorandum in the book of accounts of such institution of any difference in weight, quality or quantity of any article received from the bill thereof, and no goods or other articles of purchase or manufacture or farm or garden production of land of the institution shall be received unless so entered in such book with the proper bill, invoice or statement, according to the form of accounts and record prescribed by the comptroller. In accounts for repairs or new work, the name of each workman, the number of days employed and the rate and amount of wages paid to him shall be given. If contracts are made for repairs or new work, or for supplies, a duplicate thereof, with specifications, shall be filed with the comptroller. The steward of every such institution or other officer performing the duties of a steward under what

ever name, shall take, subscribe and file with the comptroller, before entering on his duties, the constitutional oath of office, and may administer oaths and take affidavits concerning the business of such institution.

§ 19. Deposit in banks of moneys received by state institutions.—Every state institution supported, in whole or in part, by the state, shall deposit at interest, all its funds received from sources other than the state in a bank or trust company, which shall give a bond with sufficient sureties for the security of such deposit, to be approved by the comptroller. (*As amended by chapter 457 of the Laws of 1901.*)

§ 20. Annual inventory and report of institutions.—Every state charitable institution, state hospital, reformatory, house of refuge and industrial school shall file with the comptroller annually, on or before October twentieth, a certified inventory of all articles of maintenance on hand at the close of the preceding fiscal year, stating the kind and amount of each article. Every state charitable institution, state hospital, reformatory, house of refuge, state agricultural experiment station, and the quarantine commissioners, required by law to report annually to the legislature, shall state an inventory of each article of property, stating its kind and amount, except supplies for maintenance, belonging to the state and in their possession on October first of each year.

§ 21. Rendition of accounts.—The comptroller, from time to time, shall require all public officers and other persons receiving moneys or securities, or having the care and management of any property of the state, of which an account is or is required to be kept in his office, to render statements thereof to him; and all such officers or persons shall render such statements at such time and in such form as he requires, and at all times when required by law. He may require any one presenting to him an account or claim for audit or settlement, to be examined upon oath before him touching such account or claim, as to any facts relating to its justness or correctness. He may issue a notice to any person receiving moneys of the state for which he does not account or to the legal representatives of such a person, requiring an account and vouchers for the expenditure of such

moneys to be rendered at a time to be fixed not less than thirty nor more than ninety days from the date of the service of the notice. Such notice shall be served by delivering a copy thereof to such person or representative or leaving such copy at his usual place of abode; and if such service is made by the sheriff of the county, where the person served resided, the certificate of such sheriff, and if made by any other person, the affidavit of such other person, shall be presumptive evidence of such service.

§ 22. Statements of account not rendered.—The comptroller shall state an account against every person who receives moneys belonging to the state for which he does not account when required, charging him with the amount received according to the best information which the comptroller may have in regard thereto, with interest at six per centum per annum from the time when the same was due and payable, and shall deliver a certified copy of such account to the attorney-general for prosecution, and such certified copy shall be presumptive evidence of the indebtedness of such person to the state for the amount stated therein. The person against whom an action is brought by the attorney-general on any such account, shall be liable for and pay the costs of the action whether final judgment therein shall be against him or in his favor, unless he is sued as the representative of the person originally accountable for such moneys.

§ 23. Statements of accounts rendered.—The comptroller shall immediately examine the accounts rendered by every public officer or other person receiving moneys belonging to the state, with the vouchers, and audit, adjust and make a statement thereof. If any necessary vouchers are wanting or defective, he shall give notice to such person to furnish proper vouchers within not less than thirty nor more than ninety days, and at the expiration of such time he shall audit, adjust and make a statement of such accounts on the vouchers and proofs before him. He shall transmit a copy of every account as settled to such persons, and if any balance is stated therein to be due the state, and is not paid to the treasurer within ninety days after its transmission to such person, the comptroller shall deliver a

certified copy of such account to the attorney-general for prosecution. Such certified copy shall be presumptive evidence of the indebtedness of such person to the state for the balance so certified, and if on the trial of any action brought thereon, the defendant gives any evidence other than such as was produced to the comptroller before the statement of such accounts, and by means thereof, the balance so stated is reduced or no balance is found to be due, the defendant shall be liable for and pay the costs of such action.

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§ 35. Indebtedness not to be contracted without appropriation.—A state officer, employe, board, department or commission shall not contract indebtedness on behalf of the state, nor assume to bind the state, in an amount in excess of money appropriated or otherwise lawfully available. (*Added by chapter 580 of the Laws of 1899.*)

§ 36. Specific appropriation not to be used for other purposes.—Money appropriated for a specific purpose shall not be used for any other purpose; and the comptroller shall not draw a warrant for the payment of any sum appropriated, unless it clearly appears from the detailed statement presented to him by the person demanding the same as required by this chapter, that the purposes for which such money is demanded are those for which it was appropriated. The comptroller shall not audit any claim for salary, labor or wages, unless an appropriation applicable thereto has been already made specifying the amount thereof appropriated for such purpose. (*Added by chapter 580 of the Laws of 1899.*)

§ 37. Monthly payments to state treasurer.—Every state officer, employe, board, department or commission receiving money for or on behalf of the state from fees, penalties, costs, fines, sales of property, or otherwise, except the health officer of the port of New York, shall on the fifth day of each month, pay to the state treasurer all such money received during the preceding month and on the same day file a detailed verified statement of such receipts with the comptroller, who shall keep an account thereof in his office. This section shall not apply to the manufacturing fund of the state prisons, known as the

capital fund nor to the convict deposit and miscellaneous earning fund, so called, of the state prisons and Eastern New York reformatory; nor to the proceeds of sales of manufactures or other products of the state hospitals for the insane. This section shall be deemed to supersede any other provision of this chapter or of any other general or special law inconsistent therewith. (*Added by chapter 580 of the Laws of 1899, and amended by chapter 715 of the Laws of 1899, chapter 326 of the Laws of 1900, and chapter 457 of the Laws of 1901.*)

§ 38. Contracts in pursuance of appropriations.—A contract or contracts made in pursuance of an appropriation by the state for a specific object shall be for the completion of the work contemplated by the appropriation, and in the aggregate shall not exceed the amount of such appropriation. A contract for a part of such work shall not be binding upon the state until contracts are also made covering the entire work contemplated by such appropriation, except where it is expressly provided by such appropriation that a part of the work may be done by day's labor. Every such contract shall be accompanied by a bond for the completion of the work specified in the contract, within the amount stipulated therein, which bond shall be filed in the office of the state comptroller. (*Added by chapter 479 of the Laws of 1899.*)

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§ 40. Estimate for purchase of staple articles of supplies.—Whenever the superintendent, agent and warden or other managing officer of a state institution is required by law to submit to any state commission, department or officer, an estimate of the expense required for such institution during any subsequent period, such estimate may, if authorized by the commission, department or officer whose duty it is to revise the same, and if such authorization be approved by the comptroller, include an amount sufficient for the purchase of certain staple articles of supplies for the use of such institution for a period beyond that for which such estimate is ordinarily made. (*Added by chapter 448 of the Laws of 1904.*)

**PURCHASE OF SUPPLIES FOR STATE INSTITUTIONS.**

**AN ACT** requiring preference to be given in the purchase of supplies for state institutions to products raised within this state.

Chapter 32, Laws of 1899.

Section 1. The officers, boards, commissions and departments whose duty it is to purchase supplies for the maintenance of inmates in state institutions, shall, in purchasing such supplies, give preference to products raised within the state, price and quality being equal.

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**COMMITTEES FOR INCOMPETENT PERSONS.**

**AN ACT** to amend section twenty-three hundred and twenty-three-a of the code of civil procedure, relating to the appointment of committees for incompetent persons who are inmates of state institutions.

Chapter 509, Laws of 1904.

Section 1. Section twenty-three hundred and twenty-three-a\* of the code of civil procedure is hereby amended so as to read as follows:

§ 2323-a. Where an incompetent person has been committed to a state institution in any manner provided by law, and is an inmate thereof, the petition may be presented on behalf of the state by a state officer having special jurisdiction over the institution where the incompetent person is confined or the superintendent or acting superintendent of said institution; the petition must be in writing and verified by the affidavit of the petitioner or his attorney, to the effect that the matters therein stated are true to the best of his information or belief; it must show that the person for whose person or property, or both, a committee is asked has been legally committed to a state institution over which the petitioner has special jurisdiction, or of which he is superintendent or acting superintendent, and is at the time an inmate thereof; it must also state the institution in which he is an inmate, the

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\* So in original.

date of his admission, his last known place of residence, the name and residence of the husband or wife, if any, of such person, and if there be none, the name and residence of the next of kin of such person living in this state so far as known to the petitioner; the nature, extent and income of his property, so far as the same is known to the petitioner, or can with reasonable diligence be ascertained by him. The petition may be presented to the supreme court at any special term thereof, held either in the judicial district in which such incompetent person last resided, or in the district in which the state institution in which he is committed is situated, or to a justice of the supreme court at chambers within such judicial district, or to the county court of the county in which the incompetent person resided at the time of such commitment, or of the county in which said institution is situated. Notice of the presentation of such petition shall be personally given to such person, and also to the husband or wife, if any, or if none to the next of kin named in the petition and to the officer in charge of the institution in which such person is an inmate. Upon the presentation of such petition, and proof of the service of such notice, the court or justice may, if satisfied of the truth of the facts required to be stated in such petition, immediately appoint a committee of the person or property, or both, of such incompetent person or may require any further proof which it or he may deem necessary before making such appointment.

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#### **DEPOSIT OF FUNDS OF CHARITABLE INSTITUTIONS.**

**AN ACT** to regulate the deposit of funds received by charitable and benevolent institutions supported in whole or in part by public moneys.

**Chapter 415, Laws of 1884.**

**Section 1. Board of trustees to designate depository of funds.**—It shall be the duty of the board of trustees or managers of each charitable or benevolent institution in this state, supported in whole or in part by moneys received from the state, or by any county, city or town thereof, to designate by resolution, to be entered upon their minutes, some duly incorporated national or state bank or trust company as the depository of the funds of such institution.



§ 2. Treasurer to deposit moneys in same.—After such designation, it shall be the duty of the treasurer of each such charitable or benevolent institution immediately to deposit in the bank or trust company so designated, in his name as treasurer of the institution, naming it, all funds of the institution which may come into his possession.

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#### INVESTIGATION OF COMPLAINTS AGAINST CHARITABLE INSTITUTIONS.

AN ACT to provide for taking testimony in certain matters relating to state charitable institutions.

Chapter 699, Laws of 1871.

Section 1. Investigation of complaints, etc.; power to administer oaths and compel attendance of witnesses; production of papers.—Whenever the state board of commissioners of public charities, or the managers, directors or trustees of any asylum, hospital, or other charitable institution, the managers, directors or trustees of which are appointed by the governor and senate, or by the legislature, shall deem it necessary or proper to investigate and ascertain the truth of any charge or complaint made or circulated respecting the conduct of the superintendent, assistants, subordinate officers or servants, in whatever capacity or duty employed by or under the official control of any such board, managers, directors or trustees, it shall be lawful for the presiding officers for the time being of any such board, managers, directors or trustees, to administer oaths to all witnesses coming before them respectively for examination, and to issue compulsory process for the attendance of any witness within the state whom they may respectively desire to examine, and for the production of all papers that any such witness may possess, or have in his power, touching the matter of such complaint or investigation; and willful false swearing by any witness who may be so examined is hereby declared to be perjury.

§ 2. Fees of witnesses.—All persons examined as witnesses under the first section of this act shall be paid the same fees as are now paid to witnesses in the supreme court by the said board, managers, directors or trustees, authorizing the issue of such compulsory process.

**REPORTING OF PERSONS IN STATE INSTITUTIONS.**

**AN ACT to provide for the reporting of persons in the various state benevolent institutions of this state.**

**Chapter 54. Laws of 1876.**

**Section 1. Officers to report.**—It shall be the duty of the superintendent, warden or other proper officer in charge of each of the benevolent institutions of this state, in which are persons whose maintenance, treatment, tuition or clothing is a charge against any county of this state, to make a report on or before the fifteenth day of September, in each year, to the clerk of the board of supervisors of the county to which such maintenance, treatment, tuition or clothing is chargeable, which report shall show the name, age, sex, color and nationality of every person in such institution, chargeable to such county; also, when each person was received into such institution, from what town sent, for what term received, to what time the expense of each such person has been paid, and the amount chargeable to such county for each such person for the ensuing year, which report shall be verified by the oath or affirmation of the person making the same.

**SPECIAL STATUTES PROVIDING FOR APPROPRIATIONS TO CERTAIN HOSPITALS AND DISPENSARIES IN NEW YORK STATE.**

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**THE ALBANY CITY HOMEOPATHIC HOSPITAL AND DISPENSARY.**

**AN ACT making an appropriation for certain expenses of government and supplying deficiencies in former appropriations.**

**Chapter 686, Laws of 1906.**

**Section 1.** The treasurer shall pay, on the warrant of the comptroller, \* \* \* \* \*

For the maintenance and medical care by the \* \* \* \* \* Homeopathic hospital of such officers, members and employees of the several branches, departments, and bureaus of the state government located in Albany, as may be injured or become sick, while in the performance of their duties, two thousand dollars (\$2,000), said persons to be admitted upon the certificate of the trustees of public buildings through the superintendent of public buildings, after a proper certificate of disability signed by a member of the attending staff of the \* \* \* \* \* Homeopathic hospital, who shall be designated by him, shall have been filed with said superintendent.

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**ALBANY HOSPITAL, ALBANY.**

**AN ACT making an appropriation for certain expenses of government, and supplying deficiencies in former appropriations.**

**Chapter 686, Laws of 1906.**

**Section 1.** The treasurer shall pay, on the warrant of the comptroller, \* \* \* \* \*

For the maintenance and medical care by the Albany hospital \* \* \* \* \* of such officers, members and employees of the several branches, departments and bureaus of the state

government located in Albany, as may be injured or become sick, while in the performance of their duties, two thousand dollars (\$2,000), said persons to be admitted upon the certificate of the trustees of public buildings through the superintendent of public buildings, after a proper certificate of disability signed by a member of the attending staff of the Albany hospital, \* \* \* who shall be designated by him, shall have been filed with said superintendent.

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**AURELIA OSBORN FOX MEMORIAL HOSPITAL SOCIETY,  
ONEONTA.**

AN ACT authorizing the town board of the town of Oneonta to appropriate certain moneys to the Aurelia Osborn Fox memorial hospital society of Oneonta.

**• Chapter 103, Laws of 1905.**

Section 1. The town board of the town of Oneonta is hereby authorized to appropriate and pay annually on or before June first, from the moneys received by the said town under the provisions of the liquor tax law, to the Aurelia Osborn Fox memorial hospital society of Oneonta, New York, for the care, support and maintenance of such of the inmates of the hospital in the town of Oneonta, owned and conducted by said society, as may be received therein, pursuant to the rules established by the state board of charities, a sum which in any one year shall not exceed fifteen hundred dollars, and such money shall be paid only so long as the said hospital shall treat, free of other charge, such indigent persons, actual residents of the town of Oneonta, requiring treatment, as come within the classes treated by said hospital. The supervisor of the said town of Oneonta shall make payment of such moneys to said hospital association when authorized and directed so to do by the said board, and such annual payment may commence at the time when this act goes into effect, or at any time thereafter, and may be made at such time or times and in such installments or otherwise as the said town board may direct, provided the same shall not in any one year exceed the aforesaid sum of fifteen hundred dollars.

**BINGHAMTON CITY HOSPITAL, BINGHAMTON.**

**AN ACT** to create a board of managers, and to provide for the control and management of a nonsectarian city hospital, in the city of Binghamton.

**Chapter 135, Laws of 1904.**

Section 1. Within thirty days after the passage of this act, the mayor of the city of Binghamton shall appoint six citizen taxpayers of said city, to serve as hospital managers, who, with the mayor from time to time of said city, are hereby constituted a body corporate, by the name of "The Board of Managers of the Binghamton City Hospital," and in that name may sue and be sued, prosecute, complain and defend in any court; and may receive and hold for the use and benefit of the Binghamton city hospital, gifts, devises and grants of real and personal property.

§ 2. Within fifteen days after the aforesaid appointments, the persons so appointed shall meet at the city clerk's office in said city, and then and there determine by lot the order in which their respective terms of office shall expire, and the determination so made shall, within twenty days thereafter, be certified by said clerk to the common council of said city. If, for any cause said managers fail to assemble and determine as aforesaid, the said common council shall, within twenty days thereafter, make such determination. The term of office of one of said managers shall expire on the first day of April, nineteen hundred and five, and one on the first day of each April thereafter.

§ 3. The mayor of the city of Binghamton, at the regular meeting of the common council of said city, next preceding the first day of April, nineteen hundred and five, and next preceding the first day of April in each succeeding year thereafter, shall appoint a citizen taxpayer of said city manager in place of the one whose term is about to expire on the first day of April in that year.\* The term of office of each manager so appointed shall commence on the first day of April next after his appointment, and shall continue for the period of six years and until his successor shall have been appointed and shall qualify. Any vacancy occurring by reason of death, resignation, removal from the city,

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\*So in original.

or otherwise, shall be filled by the mayor by appointment for the unexpired term.

§ 4. Every manager, before entering upon the duties of his office, and within ten days after notice of his appointment, shall take and file with the city clerk the constitutional oath of office, and shall also enter into a bond to the city of Binghamton in such sum as shall be prescribed by the common council, and with one or more sufficient sureties to be approved by the mayor of said city, conditioned for the faithful performance of his duties as such manager, and file the same in the office of the city clerk.

§ 5. The mayor of the city shall be ex officio president of said board of managers, but shall have no vote therein on the appointment of any officer, nor upon any other question except in case of a tie vote.

§ 6. The board of managers shall, from time to time, appoint one of their number to be the vice-president of said board; one to be the treasurer thereof, and may appoint one of their number to be the secretary thereof, or may require the duties of the secretary to be performed by the superintendent of the hospital. The treasurer before he enters upon the duties of his office, shall enter into a bond to said city, in such sum as shall be prescribed by said common council, with one or more sufficient sureties, to be approved by the mayor of said city, conditioned that he will faithfully perform his duties as such treasurer, and render an account to said common council of his receipts and disbursements as such treasurer, from time to time, when required by said common council; and at the first meeting of said common council in April of each year, render a full and detailed statement of the financial transactions of said board during the preceding year.

§ 7. A meeting of a majority of said board of managers shall be necessary for the transaction of any business, except to adjourn, which may be done by any lesser number present.

§ 8. Said board of managers shall have the custody and control of all the property, real and personal, now held and owned by said city, for hospital purposes, except the smallpox hospital and also of any property which may hereafter be acquired for hospital purposes; and said board of managers shall formulate and submit to the common council for its approval, rules and

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regulations for the reception or admission of patients and the general regulation and management of the Binghamton city hospital and its business, and any change or amendment of such rules and regulations shall, before the same shall become operative, be submitted to and approved by said common council.

§ 9. No manager shall be interested, either directly or indirectly, in any contract relating to work to be done upon or for materials to be furnished for said hospital, nor shall he receive any compensation for any service rendered by him as such manager, except his actual disbursements.

**Chapter 303, Laws of 1906.**

§ 1. The common council shall have power to cause to be raised, annually, \* \* \* \* \* not exceeding fifteen thousand dollars, to aid in defraying the expenses of a nonsectarian city hospital.

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**BROOKS MEMORIAL HOSPITAL, DUNKIRK.**

**AN ACT** to amend chapter three hundred and ninety-six of the laws of eighteen hundred and eighty-five entitled "An act to revise the charter of the city of Dunkirk," in relation to the application and payment of certain moneys by said city.

**Chapter 140, Laws of 1899.**

§ 9. The common council of the city of Dunkirk is hereby authorized to appropriate and pay annually from the surplus moneys received by the said city of Dunkirk under this title and remaining in its hands after payment of the necessary expenses incurred in the maintenance of the police and poor departments of the said city, to the Brooks Memorial Hospital, for the care, support and maintenance of such of the inmates of said hospital as may be received therein pursuant to the rules established by the state board of charities, a sum which in any one year shall not exceed fifteen hundred dollars; and such appropriation shall be made only so long as the said hospital shall treat free of charge, such indigent persons, actual residents of the said city of Dunkirk, requiring treatment, as come within the classes treated by said hospital. Said common council is hereby

authorized to pay same within thirty days after the end of each fiscal year. The payment for the year eighteen hundred and ninety-nine may be made from the surplus of the fiscal year ending February first, eighteen ninety-nine. In the event of the said surplus remaining in the hands of the city of Dunkirk for any one year after the payment of the necessary expenses incurred in the maintenance of the police and poor departments of the said city, being insufficient to permit the payment of the moneys for the payment of which to the Brooks Memorial Hospital, provision is hereby made, then and in that case the common council of the city of Dunkirk is hereby authorized to make so much of such payment as shall remain after the application of the said surplus, out of the general fund of said city, and the common council of said city is hereby authorized to add the amount which it shall pay out of the general fund in any one year, to the next annual city tax, to be collected for the purpose of reimbursing said general fund for such expenditure.

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#### CITY HOSPITAL, LOCKPORT.

AN ACT to establish an hospital for the city of Lockport, to be known as the city hospital, and to provide for the erection, government and maintenance thereof, and to repeal chapter four hundred twenty-two of the laws of nineteen hundred.

#### Chapter 568, Laws of 1901.

Section 1. The common council of the city of Lockport is hereby authorized to issue bonds to the amount of five thousand dollars, for the purpose of raising funds with which to construct a general hospital. Said bonds shall bear interest at not to exceed four per centum per annum, payable semi-annually, and shall not be sold at less than par, and one thousand dollars of the principal sum of said bonds shall become due and payable at the end of each period of one year from and after the issue thereof; and the principal and interest thereof shall be payable at the office of the city treasurer of said city, or at such place as the common council thereof shall designate. Said bonds shall be signed by the mayor, countersigned by the city clerk of said city, and be



sealed with the city seal, and shall be sold by the city treasurer upon sealed proposals received by him, after public advertisement for not less than ten days, to the highest bidder or bidders therefor, for not less than the par value thereof. The common council of said city is authorized to raise by general tax levy in each and every year, after the issue of said bonds, the amount of principal and interest of said bonds due in each such year. The moneys received from the sale of said bonds shall be placed by the city treasurer to the credit of a fund to be known as the city hospital fund, and shall only be used for the purposes of this act, and all drafts thereon shall be audited and approved by the common council thereof.

§ 2. As soon as may be, after the passage of this act, the common council of said city shall procure plans for a new hospital building to be made with estimates of the cost thereof, and shall thereupon approve or reject the same. If the common council shall approve such plans, it shall at once advertise for sealed proposals for the erection and equipment of such hospital building, and the contract therefor shall be let to the lowest bidder, who shall furnish satisfactory security for its faithful performance, unless the council reject all bids therefor, which it may do; but no portion of the moneys authorized to be raised by this act shall be expended for the purchase of a site for an hospital building.

§ 3. The city of Lockport is hereby authorized to retain, for the purpose of a site for the said hospital, any real estate, which it may now own, or the title to which it may hereafter acquire through tax sale proceedings.

§ 4. After the construction of the said hospital building the control thereof shall vest in the board of health of said city, but said board shall not order the expenditure of any money or make any contract, with reference to said hospital, except by a majority vote of all its members, which vote shall be taken by yeas and nays, and entered in the minutes. No expenditure or contract, amounting to one hundred dollars or more, shall be made without the consent of the common council, and before the board shall enter into a contract for the performance of any work or the furnishing of any supplies, the expense of which shall equal the

sum of one hundred dollars, it shall, after having obtained the common council's consent, cause a notice to be published in three successive numbers of the official paper, inviting proposals for the same, according to plans and specifications then on file in its office, and such contract shall be let to the lowest bidder, who shall furnish satisfactory security for its faithful performance, unless the board rejects all bids therefor, which it may do.

§ 5. The sum raised by the city of Lockport under the provisions of section two hundred and thirty-one, of title fourteen of the charter of the city of Lockport, known as the "Flagler Hospital Fund," may be used for the maintenance and support of the city hospital.

§ 6. The said board of health shall make rules and regulations for the conduct of said hospital, and shall fix the terms for care and board upon which persons, who are able to pay therefor, shall be admitted thereto. But no person shall be refused admission to said hospital, because of his or her inability to pay. They shall also appoint all necessary employes, nurses and servants, and fix their compensation. All rules and regulations made by said board, all appointments hereunder and the compensation of any employes shall be subject to the approval of the common council.

§ 7. All moneys received for the board and care of patients treated in said hospital shall be paid to the treasurer of the city of Lockport to the credit of the city hospital fund.

§ 8. Chapter four hundred twenty-two of the laws of nineteen hundred is hereby repealed.

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#### **CITY OF KINGSTON HOSPITAL, KINGSTON.**

AN ACT to amend chapter seven hundred and forty-seven of the laws of eighteen hundred and ninety-six, entitled "An act to revise and consolidate the several acts in relation to the city of Kingston, to revise the charter of said city, and to establish a city court therein and define its jurisdiction and powers."

#### **Chapter 91, Laws of 1900.**

Section 1. Subdivision four of section seventy-seven of chapter seven hundred and forty-seven of the laws of eighteen hundred and ninety-six is hereby amended so as to read as follows:

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4. Contract with the city of Kingston hospital for the medical and surgical treatment of the city poor thereat and expend therefor forty-five hundred dollars per annum, or so much thereof as may be necessary.

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**CORTLAND HOSPITAL ASSOCIATION, CORTLAND.**

AN ACT authorizing appropriations by the board of supervisors of Cortland county for the support and maintenance of inmates of the hospital of the Cortland hospital association.

**Chapter 132, Laws of 1904.**

Section 1. The board of supervisors of the county of Cortland, are hereby authorized to appropriate to the Cortland hospital association, a corporation located in said county, for the care, support and maintenance of such inmates of the hospital of said corporation, as may be received and retained therein, pursuant to the rules established by the state board of charities, such sums annually as said board of supervisors shall deem proper, and payment may be made therefor subject to such rules. The amount appropriated in any one year shall not exceed one thousand dollars. The board of managers of said corporation shall report annually in writing to the board of supervisors of such county the number of patients so received and cared for, with their names, age, sex, nature of disease or wounds and date of entrance and departure from the hospital.

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**FLAGLER HOSPITAL, LOCKPORT.**

AN ACT to revise the charter of the city of Lockport.

**Chapter 120, Laws of 1886.**

§ 231. The common council may raise each year \* \* \* for the maintenance of the Flagler hospital, one thousand dollars, to be known as the Flagler hospital fund. \* \* \* (*As amended by chapter 639 of the Laws of 1894, and chapter 182 of the Laws of 1905.*)

**HELPING HAND HOSPITAL ASSOCIATION, PEEKSKILL.**

AN ACT authorizing the town board of the town of Cortlandt to appropriate certain moneys to the helping hand hospital association of Peekskill, New York.

**Chapter 263, Laws of 1905.**

Section 1. The town board of the town of Cortlandt in the county of Westchester is hereby authorized to appropriate and pay annually from the moneys received by the said town under the provisions of the liquor tax law, to the helping hand hospital association of Peekskill, New York, for the care, support and maintenance of such of the inmates of the hospital in the town of Cortlandt, owned and conducted by said association, as may be received therein, pursuant to the rules established by the state board of charities, a sum which in any one year shall not exceed fifteen hundred dollars, and such money shall be paid only so long as the said hospital shall treat, free of other charge, such indigent persons, actual residents of the town of Cortlandt requiring treatment, as come within the classes treated by said hospital. The supervisor of the said town of Cortlandt shall make payment of such moneys to said hospital association when authorized and directed so to do by the said board, and such annual payment may commence at the time when this act goes into effect, or at any time thereafter, and may be made at such time or times and in such installments or otherwise as the said town board may direct, provided the same shall not in any one year exceed the aforesaid sum of fifteen hundred dollars.

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**HOSPITAL ASSOCIATION OF THE CITY OF SCHENECTADY.**

AN ACT to amend and consolidate the several acts relating to the city of Schenectady.

**Chapter 371, Laws of 1903.**

§ 89. Appropriation for hospital associations; \* \* \* \* \*

The board of estimate and apportionment may annually include in the tax budget not more than four thousand dollars, for the hospital association of the city of Schenectady, for the care,

support and maintenance of such inmates of such hospital as may be received and retained therein, pursuant to rules established by the state board of charities, and payments may be made therefor subject to such rules. \* \* \*

AN ACT to authorize the city of Schenectady to borrow money and issue the bonds of said city therefor, for the purpose of purchasing the buildings and premises now used, occupied and owned by the hospital association of said city and for the repairing and renovation of said buildings and premises.

Chapter 230, Laws of 1905.

Section 1. The common council of the city of Schenectady is hereby authorized and empowered to issue the bonds of said city to an amount not exceeding in the aggregate thirty thousand dollars, in sums of one thousand dollars each, payable at such time within thirty years after their respective issues as the said common council shall determine, with interest payable semi-annually, at a rate not to exceed five per centum per annum, the rate thereof to be determined by the said common council. Such bonds shall be executed by the mayor and the treasurer of said city under the corporate seal of said city and countersigned by the comptroller of said city. The said comptroller shall sell and dispose of such bonds or any part thereof at public auction or by sealed proposals after giving at least three weeks' public notice of the time and place of sale by daily publication thereof in the official newspaper of said city and in such other newspapers as the said common council shall determine and shall award the same to the highest bidder or bidders therefor, but at not less than par and accrued interest.

§ 2. All moneys received from the sale of such bonds shall be deposited with the treasurer of said city who shall keep a separate account thereof and shall be used and expended for the purchasing of the buildings and premises now used, occupied and owned by the hospital association of the city of Schenectady and for the repairing and renovation of said buildings and premises.

§ 3. The interest and principal of such bonds shall be paid by said city when due, to the owners of said bonds and the sums of money required for such payment shall be assessed, levied, raised and collected by a tax, upon the real and personal property liable

to taxation in said city and in the same manner as any other public or general tax of said city and in addition to the general and ordinary taxes of said city now authorized by law.

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**LITTLE FALLS HOSPITAL, LITTLE FALLS.**

AN ACT to incorporate the city of Little Falls.

Chapter 565, Laws of 1895.

§ 57. \* \* \* The common council \* \* \* may contract with an incorporated hospital located within the city for the nursing and support of such class or classes of injured or sick persons, as may be stated in such contract, and who are received and retained in such hospital pursuant to rules established by the state board of charities, and appropriate and pay therefor to such hospital an annual sum not exceeding twelve hundred dollars; \* \* \* (*As amended by chapter 12 of the Laws of 1903.*)

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**NASSAU HOSPITAL ASSOCIATION, NASSAU.**

AN ACT authorizing the raising and appropriating by the town of North Hempstead of moneys to support inmates of the hospital of the Nassau Hospital association, at Mineola, in the town of North Hempstead.

Chapter 553, Laws of 1897.

Section 1. It shall be lawful for the electors of the town of North Hempstead, at any regular town meeting, to vote by ballot a sum of money, not exceeding three thousand dollars in any year, for the purpose of paying the Nassau Hospital association, a corporation located at Mineola, in the town of North Hempstead, county of Queens, for the care, support and maintenance of such inmates of the hospital as may be received and retained therein from the town of North Hempstead pursuant to rules established by the state board of charities. The board of managers of said corporation shall report annually in writing to the town board of North Hempstead the number of patients received

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and cared for, with their names, age, sex, nature of disease or wounds and date of entrance and departure from the hospital.

§ 2. The amount voted at such town meeting shall be assessed, levied and collected in the same manner as other expenses of said town, and shall be paid to the supervisor of the town of North Hempstead, who shall pay such sum to the managers of the Nassau Hospital association at such times and in such manner as may be necessary to comply with the provisions of section one of this act.

AN ACT authorizing the raising and appropriating by the town of Hempstead of moneys to support inmates of the hospital of the Nassau Hospital association, at Mineola, in the town of North Hempstead.

**Chapter 615, Laws of 1897.**

Section 1. It shall be lawful for the electors of the town of Hempstead, at any regular town meeting, to vote by ballot a sum of money, not exceeding three thousand dollars in any year, for the purpose of paying the Nassau Hospital association, a corporation located at Mineola, in the town of North Hempstead, county of Queens, for the care, support and maintenance of such inmates of the hospital as may be received and retained therein from the town of Hempstead pursuant to rules established by the state board of charities. The board of managers of said corporation shall report annually in writing to the town board of Hempstead the number of patients received and cared for, with their names, age, sex, nature of disease or wounds, and date of entrance and departure from the hospital.

§ 2. The amount voted at such town meeting shall be assessed, levied and collected in the same manner as other expenses of said town, and shall be paid to the supervisor of the town of Hempstead, who shall pay such sum to the managers of the Nassau Hospital association at such times and in such manner as may be necessary to comply with the provisions of section one of this act.

to taxation in said city and in the same manner as any other public or general tax of said city and in addition to the general and ordinary taxes of said city now authorized by law.

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**LITTLE FALLS HOSPITAL, LITTLE FALLS.**

AN ACT to incorporate the city of Little Falls.

Chapter 565, Laws of 1895.

§ 57. \* \* \* The common council \* \* \* may contract with an incorporated hospital located within the city for the nursing and support of such class or classes of injured or sick persons, as may be stated in such contract, and who are received and retained in such hospital pursuant to rules established by the state board of charities, and appropriate and pay therefor to such hospital an annual sum not exceeding twelve hundred dollars; \* \* \* (*As amended by chapter 12 of the Laws of 1903.*)

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**NASSAU HOSPITAL ASSOCIATION, NASSAU.**

AN ACT authorizing the raising and appropriating by the town of North Hempstead of moneys to support inmates of the hospital of the Nassau Hospital association, at Mineola, in the town of North Hempstead.

Chapter 553, Laws of 1897.

Section 1. It shall be lawful for the electors of the town of North Hempstead, at any regular town meeting, to vote by ballot a sum of money, not exceeding three thousand dollars in any year, for the purpose of paying the Nassau Hospital association, a corporation located at Mineola, in the town of North Hempstead, county of Queens, for the care, support and maintenance of such inmates of the hospital as may be received and retained therein from the town of North Hempstead pursuant to rules established by the state board of charities. The board of managers of said corporation shall report annually in writing to the town board of North Hempstead the number of patients received



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and cared for, with their names, age, sex, nature of disease or wounds and date of entrance and departure from the hospital.

§ 2. The amount voted at such town meeting shall be assessed, levied and collected in the same manner as other expenses of said town, and shall be paid to the supervisor of the town of North Hempstead, who shall pay such sum to the managers of the Nassau Hospital association at such times and in such manner as may be necessary to comply with the provisions of section one of this act.

AN ACT authorizing the raising and appropriating by the town of Hempstead of moneys to support inmates of the hospital of the Nassau Hospital association, at Mineola, in the town of North Hempstead.

**Chapter 615, Laws of 1897.**

Section 1. It shall be lawful for the electors of the town of Hempstead, at any regular town meeting, to vote by ballot a sum of money, not exceeding three thousand dollars in any year, for the purpose of paying the Nassau Hospital association, a corporation located at Mineola, in the town of North Hempstead, county of Queens, for the care, support and maintenance of such inmates of the hospital as may be received and retained therein from the town of Hempstead pursuant to rules established by the state board of charities. The board of managers of said corporation shall report annually in writing to the town board of Hempstead the number of patients received and cared for, with their names, age, sex, nature of disease or wounds, and date of entrance and departure from the hospital.

§ 2. The amount voted at such town meeting shall be assessed, levied and collected in the same manner as other expenses of said town, and shall be paid to the supervisor of the town of Hempstead, who shall pay such sum to the managers of the Nassau Hospital association at such times and in such manner as may be necessary to comply with the provisions of section one of this act.

**AN ACT** authorizing the raising and appropriating by the town of Oyster Bay of money to support inmates of the hospital of the Nassau Hospital association, at Mineola, in the town of North Hempstead.

**Chapter 616, Laws of 1897.**

Section 1. It shall be lawful for the electors of the town of Oyster Bay, at any regular town meeting, to vote by ballot a sum of money, not exceeding three thousand dollars in any year, for the purpose of paying the Nassau Hospital association, a corporation located at Mineola, in the town of North Hempstead, county of Queens, for the care, support and maintenance of such inmates of the hospital as may be received and retained therein from the town of Oyster Bay, pursuant to rules established by the state board of charities. The board of managers of said corporation shall report annually, in writing, to the town board of Oyster Bay the number of patients received and cared for, with their names, age, sex, nature of disease or wounds and date of entrance and departure from the hospital.

§ 2. The amount voted at such town meeting shall be assessed, levied and collected in the same manner as other expenses of said town, and shall be paid to the supervisor of the town of Oyster Bay, who shall pay such sum to the managers of the Nassau Hospital association at such times and in such manner as may be necessary to comply with the provisions of section one of this act.

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**NEW ROCHELLE HOSPITAL ASSOCIATION, NEW ROCHELLE.**

**AN ACT** to amend the charter of the city of New Rochelle in relation to the New Rochelle hospital.

**Chapter 501, Laws of 1903.**

Section 1. Section fifty-two of article four of chapter one hundred and twenty-eight of the laws of eighteen hundred and ninety-nine, entitled "An act to incorporate the city of New Rochelle," is hereby amended by adding thereto a new subdivision to be known as subdivision thirteen, to read as follows:

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13. The sum of twenty-five hundred dollars annually to be paid to the New Rochelle Hospital association towards the maintenance of the New Rochelle Hospital and for the general uses and purposes of said New Rochelle Hospital association, to be designated the hospital fund.

§ 2. All acts and parts of acts, general and special, inconsistent herewith, are hereby repealed.

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**NIAGARA FALLS MEMORIAL HOSPITAL, NIAGARA FALLS.**

**AN ACT** to revise and consolidate the several acts relative to the city of Niagara Falls.

Chapter 300, Laws of 1904.

\* \* \* \* \*

**ARTICLE IV.**

\* \* \* \* \*

§ 142. The common council is hereby authorized to appropriate, subject to the approval of the board of estimate and apportionment, and the city may pay annually to the Niagara Falls memorial hospital, for the care, support and maintenance of such of the inmates of said hospital as are actual residents of the city of Niagara Falls, and are received and cared for, supported and maintained therein pursuant to the rules established by the state board of charities, a sum which in any one year shall not exceed ten per centum of the moneys received by the said city under the provisions of the liquor tax law.

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**NYACK HOSPITAL, NYACK—GOOD SAMARITAN HOSPITAL, SUFFERN.**

**AN ACT** authorizing appropriations by the board of supervisors of Rockland county for the support and maintenance of inmates of the Nyack hospital.

Chapter 37, Laws of 1901.

Section 1. The board of supervisors of the county of Rockland is hereby authorized to appropriate to the Nyack hospital and

to the Good Samaritan Hospital of Suffern, corporations located in said county for the care, support and maintenance of such inmates of the hospitals of such corporations as may be received and retained therein pursuant to the rules established by the state board of charities, such sums annually as such board of supervisors shall deem proper, and payment may be made therefore subject to such rules. The amount thus appropriated in any one year shall not exceed one thousand dollars to each of the said corporations. The board of managers of each of such corporations shall report annually in writing to the board of supervisors of said county, the number of patients so received and cared for, with their names, age, sex, nature of disease or wounds and date of entrance and departure from the hospital. (*As amended by chapter 351 of the Laws of 1903.*)

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#### ONEIDA PUBLIC HOSPITAL, ONEIDA.

AN ACT to incorporate the city of Oneida.

Chapter 225, Laws of 1901.

§ 53. Amount of annual city tax levy.—The common council may raise by tax upon the real and personal property assessable in the city in each year certain amounts which shall be estimated and designated each year for the following purposes:

\* \* \* \* \*

11. A sum necessary for the maintenance of the city hospital, to be designated the "hospital fund."

\* \* \* \* \*

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#### OSSINING HOSPITAL, OSSINING.

AN ACT authorizing the town board of the town of Ossining to appropriate certain moneys to the Ossining hospital association of Ossining.

Chapter 345, Laws of 1904.

Section 1. The town board of the town of Ossining is hereby authorized to appropriate and pay annually from the moneys received by the said town of Ossining under the provisions of the liquor tax law, to the Ossining hospital association of Ossining,

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New York, for the care, support and maintenance of such of the inmates of the hospital in the town of Ossining, owned and conducted by said association, as may be received therein pursuant to the rules established by the state board of charities, a sum which in any one year shall not exceed fifteen hundred dollars; and such appropriation shall be made only so long as the said hospital shall treat, free of other charge, such indigent persons, actual residents of the said town of Ossining, requiring treatment, as come within the classes treated by said hospital. The supervisor of the said town shall make payment of such moneys to said hospital association when authorized and directed so to do by the said town board, and such annual payment may commence at the time when this act goes into effect or at any time thereafter, and may be made at such time or times and in such installments, or otherwise, as the said town board may direct, provided the same shall not in any one year exceed the aforesaid sum of fifteen hundred dollars.

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**SAINT PETER'S HOSPITAL OF THE CITY OF ALBANY.**

AN ACT to revise the charter of the city of Hornellsville and to change the name thereof.

Chapter 288, Laws of 1906.

§ 70. \* \* \* \* And the common council shall determine the amount, if any, to be raised by tax as aforesaid for the Saint James Mercy hospital \* \* \* \*.

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**ST. JOHN'S RIVERSIDE HOSPITAL, YONKERS; ST. JOSEPH'S HOSPITAL, YONKERS; YONKERS HOMEOPATHIC HOSPITAL, YONKERS.**

AN ACT to revise the charter of the city of Yonkers.

Chapter 635, Laws of 1895.

**TITLE X.**

§ 2. The common council may by ordinance prescribe the duties of such commissioner of charities in relation to the temporary

aid and assistance to the poor and may appropriate such moneys for such purpose as it shall deem proper and may also appropriate a sum, not exceeding five thousand dollars per annum, for the care of sick and disabled poor in hospitals. (*As amended by chapter 207 of the Laws of 1903.*)

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**ST. LUKE'S HOME AND HOSPITAL OF NEWBURGH AND  
NEW WINDSOR, NEWBURGH.**

AN ACT authorizing the commissioners of the almshouse of the city and town of Newburgh, in the county of Orange, to pay Saint Luke's home and hospital of Newburgh, New York, the sum of one thousand dollars per annum, for the care and maintenance of indigent persons.

Chapter 272, Laws of 1897.

Section 1. The commissioners of the almshouse of the city and town of Newburgh, in the county of Orange, are hereby authorized, on or before the first day of June, eighteen hundred and ninety-seven, to settle with and pay to the board of managers of Saint Luke's home and hospital of Newburgh, New York, out of the excise moneys received by said commissioners from the city and town of Newburgh, not exceeding two thousand dollars, for the care and maintenance of such persons as were received and retained in such hospital prior to that date, according to rules established by the state board of charities.

§ 2. The commissioners of the almshouse of the city and town of Newburgh, are hereby authorized and empowered to pay to Saint Luke's home and hospital, a corporation located in the city of Newburgh, in the county of Orange, for the care, support and maintenance of such inmates of said hospital as may be received and retained therein by order or permit of such almshouse commissioners, pursuant to rules established by the state board of charities, annually out of the excise moneys received by such commissioners, the sum of one dollar per day for each such inmates, but the total amount paid said hospital by said commissioners in any one year, shall not exceed the sum of two

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thousand dollars, and said hospital shall not, in any one year, be required to admit patients sent thereto by said commissioners after it has cared for persons received therein at their request, to the extent of two thousand days in such year. The board of managers of said hospital shall report annually, in writing, to the commissioners of the almshouse of the city and town of Newburgh, the number of patients received, pursuant to the provisions of this act and the rules of the state board of charities, their names, age, sex, the nature of their disease or wounds, the length of time cared for, with the date of entrance and departure. *(As amended by chapter 65 of the Laws of 1902.)*

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SAINT PETER'S HOSPITAL OF THE CITY OF ALBANY.

AN ACT making an appropriation for certain expenses of government and supplying deficiencies in former appropriations.

Chapter 686, Laws of 1906.

Section 1. The treasurer shall pay on the warrant of the comptroller \* \* \* \* \* for the maintenance and medical care by the \* \* \* Saint Peter's hospital \* \* \* of such officers, members and employees of the several branches, departments, and bureaus of the state government located in Albany, as may be injured or become sick, while in the performance of their duties, two thousand dollars (\$2,000), said persons to be admitted upon the certificate of the trustees of public buildings through the superintendent of public buildings, after a proper certificate of disability signed by a member of the attending staff of the \* \* \* Saint Peter's hospital, \* \* \* who shall be designated by him, shall have been filed with said superintendent.

**SARATOGA HOSPITAL, SARATOGA SPRINGS.**

**AN ACT** to amend chapter two hundred and twenty of the laws of eighteen hundred and sixty-six, being the charter of the village of Saratoga Springs; and to enable the trustees of said village to raise moneys for certain purposes.

**Chapter 115, Laws of 1896.**

Section 1. The board of trustees of the village of Saratoga Springs is hereby authorized to appropriate to the Saratoga Emergency hospital, for the care, support and maintenance of such inmates of said hospital as may be received and retained therein pursuant to rules established by the state board of charities, such sums annually as the said board of trustees shall deem proper, and payments may be made therefor subject to such rules. The amount so appropriated in any one year shall not exceed the sum of two thousand dollars; and such appropriation shall be made only so long as the said hospital shall treat, free of charge, such indigent persons, actual residents of the village of Saratoga Springs, requiring treatment, as come within the classes treated by said hospital, and only so long as said hospital shall maintain a free medicine dispensary for the benefit of indigent persons, actual residents of said village.

**AN ACT** to amend chapter two hundred and twenty of the laws of eighteen hundred and sixty-six, being the charter of the village of Saratoga Springs, and to enable the trustees of said village to raise moneys for certain purposes.

**Chapter 346, Laws of 1898.**

Section 1. The board of trustees of the village of Saratoga Springs is hereby authorized to appropriate to the Saratoga hospital, for the care, support and maintenance of such inmates of said hospital as may be received and retained therein pursuant to rules established by the state board of charities, in addition to the amounts now authorized by law, the further sum of fifteen hundred dollars. Such appropriation shall be made only in case said hospital shall establish a general operating room for surgical cases, where any regular physician or surgeon of the village



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of Saratoga Springs may take his private patients and operate upon them under the same rules and regulations as the regular surgical staff of said hospital.

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**THRALL HOSPITAL, MIDDLETOWN.**

**AN ACT** to revise and amend an act to incorporate the city of Middletown and the acts amendatory thereof.

**Chapter 572, Laws of 1902.**

§ 207. If at any time, after paying for the support of the city's poor and the city's share of the Orange county poor fund, there shall still be a balance in the excise fund, said balance may, by vote of the common council, be applied to the redemption of any tax certificates issued for schoolhouse purposes that may be outstanding and if there be no such certificates, then it shall be used to pay whatever annual appropriation is made for the maintenance of Thrall hospital and it may be used for such other public purposes as the common council may direct.

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**WHITE PLAINS HOSPITAL ASSOCIATION, WHITE PLAINS.**

**AN ACT** authorizing the town board of the town of White Plains, to appropriate certain moneys to the White Plains hospital association of White Plains.

**Chapter 115, Laws of 1905.**

Section 1. The town board of the town of White Plains is hereby authorized to appropriate and pay annually from the moneys received by the said town of White Plains under the provisions of the liquor tax law, to the White Plains Hospital association of White Plains, New York, for the care, support and maintenance of such of the inmates of the hospital in the town of White Plains, owned and conducted by said association, as may be received therein, pursuant to the rules established by the state board of charities, a sum which in any one year shall not exceed fifteen hundred dollars, and such appropriation shall be made only so long as the said hospital shall treat, free of

**SARATOGA HOSPITAL, SARATOGA SPRINGS.**

**AN ACT** to amend chapter two hundred and twenty of the laws of eighteen hundred and sixty-six, being the charter of the village of Saratoga Springs; and to enable the trustees of said village to raise moneys for certain purposes.

**Chapter 115, Laws of 1896.**

Section 1. The board of trustees of the village of Saratoga Springs is hereby authorized to appropriate to the Saratoga Emergency hospital, for the care, support and maintenance of such inmates of said hospital as may be received and retained therein pursuant to rules established by the state board of charities, such sums annually as the said board of trustees shall deem proper, and payments may be made therefor subject to such rules. The amount so appropriated in any one year shall not exceed the sum of two thousand dollars; and such appropriation shall be made only so long as the said hospital shall treat, free of charge, such indigent persons, actual residents of the village of Saratoga Springs, requiring treatment, as come within the classes treated by said hospital, and only so long as said hospital shall maintain a free medicine dispensary for the benefit of indigent persons, actual residents of said village.

**AN ACT** to amend chapter two hundred and twenty of the laws of eighteen hundred and sixty-six, being the charter of the village of Saratoga Springs, and to enable the trustees of said village to raise moneys for certain purposes.

**Chapter 346, Laws of 1898.**

Section 1. The board of trustees of the village of Saratoga Springs is hereby authorized to appropriate to the Saratoga hospital, for the care, support and maintenance of such inmates of said hospital as may be received and retained therein pursuant to rules established by the state board of charities, in addition to the amounts now authorized by law, the further sum of fifteen hundred dollars. Such appropriation shall be made only in case said hospital shall establish a general operating room for surgical cases, where any regular physician or surgeon of the village

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of Saratoga Springs may take his private patients and operate upon them under the same rules and regulations as the regular surgical staff of said hospital.

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**THRALL HOSPITAL, MIDDLETOWN.**

**AN ACT** to revise and amend an act to incorporate the city of Middletown and the acts amendatory thereof.

**Chapter 572, Laws of 1902.**

§ 207. If at any time, after paying for the support of the city's poor and the city's share of the Orange county poor fund, there shall still be a balance in the excise fund, said balance may, by vote of the common council, be applied to the redemption of any tax certificates issued for schoolhouse purposes that may be outstanding and if there be no such certificates, then it shall be used to pay whatever annual appropriation is made for the maintenance of Thrall hospital and it may be used for such other public purposes as the common council may direct.

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**WHITE PLAINS HOSPITAL ASSOCIATION, WHITE PLAINS.**

**AN ACT** authorizing the town board of the town of White Plains, to appropriate certain moneys to the White Plains hospital association of White Plains.

**Chapter 115, Laws of 1905.**

Section 1. The town board of the town of White Plains is hereby authorized to appropriate and pay annually from the moneys received by the said town of White Plains under the provisions of the liquor tax law, to the White Plains Hospital association of White Plains, New York, for the care, support and maintenance of such of the inmates of the hospital in the town of White Plains, owned and conducted by said association, as may be received therein, pursuant to the rules established by the state board of charities, a sum which in any one year shall not exceed fifteen hundred dollars, and such appropriation shall be made only so long as the said hospital shall treat, free of

other charge, such indigent persons, actual residents of the town of White Plains, requiring treatment, as come within the classes treated by said hospital. The supervisor of the said town shall make payment of such moneys to said hospital association when authorized and directed so to do by the said town board, and such annual payment may commence at the time when this act goes into effect, or at any time thereafter, and may be made at such time or times and in such installments, or otherwise, as the said town board may direct, provided the same shall not in any one year exceed the aforesaid sum of fifteen hundred dollars.

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#### **WOMAN'S HOSPITAL ASSOCIATION, BATAVIA.**

AN ACT authorizing the town board of the town of Batavia to appropriate certain moneys to the woman's hospital association of Batavia.

#### **Chapter 151, Laws of 1904.**

Section 1. The town board of the town of Batavia is hereby authorized to appropriate and pay annually from the moneys received by the said town of Batavia under the provisions of the liquor tax law, to the woman's hospital association of Batavia, New York, for the care, support and maintenance of such of the inmates of the hospital in the town of Batavia, owned and conducted by said association, as may be received therein pursuant to the rules established by the state board of charities, a sum which in any one year shall not exceed fifteen hundred dollars; and such appropriation shall be made only so long as the said hospital shall treat, free of other charge, such indigent persons, actual residents of the said town of Batavia, requiring treatment, as come within the classes treated by said hospital. The supervisor of the said town shall make payment of such moneys to said hospital association when authorized and directed so to do by the said town board, and such annual payment may commence at the time when this act goes into effect, or at any time thereafter, and may be made at such time or times and in such installments, or otherwise, as the said town board may direct, provided

the same shall not in any one year exceed the aforesaid sum of fifteen hundred dollars.

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CHARTER OF NEW YORK CITY.

AN ACT to unite into one municipality under the name of The City of New York, the various communities lying in and about New York Harbor, including the city and county of New York, the city of Brooklyn and the county of Kings, the county of Richmond, and part of the county of Queens, and to provide for the government thereof.

Chapter 378, Laws of 1897, as amended by Chapter 466, Laws of 1901.

Items to be included in annual estimate.

§ 230. The board of estimate and apportionment shall, in addition to such other amounts as it may in its discretion provide for public purposes in The City of New York and the several counties wholly contained within its territorial limits, annually include in its final estimate the following sums, which shall annually be raised and appropriated:

\* \* \* \* \*

3. To the New York Society for the Relief of the Ruptured and Crippled, the sum of one hundred and fifty dollars for the support of every crippled child received and retained in their hospital for one year, and a proportionate sum for a shorter period.

4. To the New York Infirmary for Women and Children twenty-five dollars for each homeless or needy mother who received care and attendance in lying-in wards of the New York Infirmary for Women and Children, for such care and obstetric attendance, and the further sum of eighteen dollars per month, and proportionately for any fraction of a month, for each mother thus domiciled and attended at the birth of her child, and for each homeless and needy mother with a nursing infant who resides at said infirmary at the request of or by permission of its officers, and wet nurses her own infant, provided such residence shall exceed the period of two months, but the

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said monthly allowance of eighteen dollars shall not be paid for a longer period than one year for any mother so remaining continuously. And to the New York Medical College and Hospital for Women, twenty-five dollars for each needy mother who has received care and obstetric attendance at her home or in the lying-in wards of the said hospital, for such care and obstetric attendance, and the further sum of eighteen dollars per month and proportionately for each fraction of a month for each mother attended at the birth of her child and domiciled at such hospital, but not for a longer period than one year, and also for each homeless or needy mother with a nursing infant who resides at said hospital at the request of or by permission of its officers and wet nurses her own infant, provided such residence shall exceed the period of two months. But such sums to the New York Medical College and Hospital for Women shall not exceed eight thousand dollars in the aggregate in any one year.

\* \* \* \* \*

7. \* \* \* To St. John's Guild of the city of New York, the sum of thirty thousand dollars, to be applied to the maintenance and operation of its hospitals, to the support of its other charitable work and to the general uses and purposes of said society. \* \* \*

8. To the Foundling Asylum of the Sisters of Charity and to the Babies' Hospital of the city of New York, respectively, at the rate of thirty-eight cents per day for each and every foundling or infant received and maintained by them. And also for each and every homeless and needy mother with a nursing infant, who shall reside at the asylum, or at said hospital, by request of its officers, and nurses her own infant, the sum of eighteen dollars per month. To the babies' wards of the Post-Graduate Hospital in the city of New York, at the rate of thirty-eight cents per day for each and every infant received and cared for therein.

9. To the Nursery and Child's Hospital, the sum of five dollars per week for every destitute woman admitted into its lying-in wards, according to the time of the said woman's continuing under the care of the said institution, and the further sum of ten dollars per month for each and every child born in the institution or supported and maintained by said institution, when-

ever it may be necessary or expedient to place said child in the country, or for want of room in the institution to find accommodation for it elsewhere; and also the sum of ten dollars per month for all children received and retained in the Nursery and Child's Hospital, in the city of New York, and in like proportion for any fraction of a year for each and every destitute child which may be supported and maintained in said institution. To the New York Polyclinic Medical School and Hospital, for board, nursing and medical or surgical aid and attendance, one dollar per day for each needy and charity patient who occupies a bed in said hospital and who receives such care, support and maintenance; such payments not to exceed in the aggregate thirty thousand dollars per annum. To the New York Homeopathic College and Hospital, for board, nursing and medical or surgical aid and attendance, one dollar per day for each needy and charity patient who occupies a bed in the Flower Surgical Hospital, belonging to said New York Homeopathic College and Hospital, and who receives such care, support and maintenance; such payment not to exceed in the aggregate twelve thousand dollars per annum.

10. To the New York Infant Asylum, a sum of money at the rate of thirty-eight cents per day, in monthly payments, for each and every child received and maintained by said asylum; a further sum of twenty-five dollars for each homeless or needy mother who receives care and attendance in the lying-in wards of the asylum; the further sum of eighteen dollars per month, and proportionately for any fraction of a month, for each homeless or needy mother who is domiciled in the asylum and attended at the birth of her child, and resides at the asylum by the request of its officers, and wet nurses her own infant; and for each other homeless or needy mother with a nursing infant who resides at the asylum by the request of its officers and wet nurses her own infant; provided, however, that in each case such residence must exceed the period of two months, and that said monthly allowance shall not be paid for a longer period than for one year for any mother so remaining.

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20. \* \* \* And to the Sloan Maternity Hospital in the city of New York, the sum of five dollars per week for every destitute woman admitted into its lying-in ward, according to the time of the said woman continuing under the care of the said institution, and the further sum of ten dollars per month for each and every child born in the institution or supported and maintained by said institution, but such sums shall not exceed eight thousand dollars in any one year. And to the New York Female Asylum for lying-in women, twenty-five dollars for each homeless and needy mother who has received care and attention in the lying-in ward of the asylum, for such care and obstetric attendance, but such sums shall not exceed eight thousand dollars in any one year.

21. To the Mothers' and Babies' Hospital, fifteen dollars for each homeless and needy mother who has received care and attention in the lying-in ward of the hospital, for such care and obstetric attendance, not to exceed three hundred patients in any one year.

22. Such other sum or sums as are, or may be by law directed or authorized to be raised and paid for charitable purposes or to private or incorporated societies, associations, asylums, hospitals, corporations, institutions, protectories, homes or schools.

23. The board of estimate and apportionment are hereby authorized in their discretion to include in their annual statements and estimates the following specified sums of money for the respective purposes herein stated, namely: Four thousand dollars to be paid to the Brooklyn Hospital (formerly City Hospital); four thousand dollars to be paid to the Long Island College Hospital; four thousand dollars to be paid to the Brooklyn Homeopathic Hospital; fifteen hundred dollars to be paid to the Brooklyn Central Dispensary; fifteen hundred dollars to be paid to the Brooklyn City Dispensary; fifteen hundred dollars to be paid to the Brooklyn Eclectic Dispensary; fifteen hundred dollars to be paid to the Brooklyn Homeopathic Dispensary; five thousand dollars to be paid to the Brooklyn Eastern District Dispensary and Hospital (formerly the Williamsburgh Dispensary); fifteen hundred dollars to be paid to the Long Island College Dispensary; fifteen hundred dollars to be paid to the Gates Avenue Homeopathic Dispensary; four thousand dollars to be



paid to the Brooklyn Nursery and Infants' Hospital; fifteen hundred dollars to be paid to the Brooklyn Eastern District Homeopathic Dispensary (formerly the Williamsburgh Homeopathic Dispensary); twenty-five hundred dollars to be paid to the Brooklyn Maternity (formerly Brooklyn Lying-in Asylum); twenty-five hundred dollars to be paid to the Eye and Ear Hospital of the city of Brooklyn; one thousand dollars to be paid to the Southern Dispensary and Hospital; fifteen hundred dollars to be paid to the Orthopedic Dispensary; four thousand dollars to be paid to the Saint Peter's Hospital; fifteen hundred dollars to be paid to the Saint Peter's Dispensary; two thousand dollars to be paid to the Atlantic Avenue Dispensary; one thousand dollars to be paid to the Saint Mary's Dispensary; two thousand dollars to be paid to the Brooklyn Diet Dispensary; fifteen hundred dollars to be paid to the Saint Catherine's Dispensary; four thousand dollars to be paid to the Saint Catherine's Hospital; \* \* \* four thousand dollars to be paid to the Brooklyn Home for Consumptives; four thousand dollars to be paid to the Memorial Hospital for Women and Children; four thousand dollars to be paid to the Saint Mary's General Hospital of the city of Brooklyn; fifteen hundred dollars to be paid to the Central Homeopathic Dispensary; fifteen hundred dollars to be paid to the Memorial Dispensary; fifteen hundred dollars to be paid to the Bushwick and East Brooklyn Dispensary; fifteen hundred dollars to be paid to the Dispensary of the College of Physicians and Surgeons of Saint Mary's Hospital of the city of Brooklyn; four thousand dollars to be paid to the Methodist Episcopal Hospital of the city of Brooklyn; two thousand dollars to be paid to the Saint Mary's Female Hospital; fifteen hundred dollars to be paid to the Lutheran Hospital Association of the city of New York and vicinity; four thousand dollars to be paid to the Brooklyn Throat Hospital; two thousand dollars to be paid to the Bedford Dispensary and Hospital; four thousand dollars to be paid to the Saint Martha's Sanitarium and Dispensary; three thousand dollars to be paid to the Central Throat Hospital and Polyclinic Dispensary; three thousand dollars to be paid to the Long Island Throat Hospital and Eye Infirmary (formerly the Long Island Throat and Lung Hospital and People's Dispensary

Association); four thousand dollars to be paid to the Norwegian Lutheran Deaconesses' Home and Hospital; \* \* \* three thousand dollars to be paid to the Saint Mary's Maternity and Infants' Home; two thousand dollars to be paid to the Memorial Training School for Nurses; four thousand dollars to be paid to the Church Charity Foundation of Long Island for its hospital; twenty-five hundred dollars to be paid to the Home of St. Giles the Cripple; three thousand dollars to be paid to the Bushwick Hospital; \* \* \* fifteen hundred dollars to be paid to the dispensary of the Methodist Episcopal Hospital; twenty-five hundred dollars to be paid to the Low Maternity; fifteen hundred dollars to be paid to the Brooklyn Hospital Dispensary; \* \* \* two thousand dollars to be paid to the Stone Maternity of Brooklyn; \* \* \* twenty-five hundred dollars to be paid to the Maternity of the Long Island College Hospital; fifteen hundred dollars to be paid to the Twenty-sixth Ward Homeopathic Dispensary; such several sums of money to be paid to the several institutions in consideration of their contracting to render and rendering medical and surgical aid and treatment to the poor of the county of Kings who may apply to them therefor; such contract to be in writing, executed on behalf of the city by the mayor and comptroller and also by the executive officers of said associations respectively, and to be approved by the counsel to the corporation of the city, to be filed annually on or before the thirty-first day of May, in the office of the city clerk.

24. \* \* \* The board of estimate and apportionment may in any year, and from time to time, increase or diminish, the sum authorized to be paid to any institution, association, corporation or society included in the tenth paragraph of this section. The final estimate shall specify each institution by its corporate name and the sum to be paid thereto, with a reference to the laws authorizing the appropriation, and the comptroller is authorized to pay the sum to such institution upon its appearing to his satisfaction in such manner as he shall prescribe that the expenditure thereof by the institution is lawful and proper. No appropriation shall be made under this section to any corporation unless the mayor of the city, or the president of the borough in which the chief office of such corporation is situated, be notified

of all meetings of its board of management, and be empowered to attend the same or designate in writing some person to do so in his behalf; but this shall not be construed as impairing any existing powers of visitation vested in the supreme court or the state board of charities, or any provisions of law requiring statements by such corporation as to their affairs.

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THE POOR LAW.

AN ACT in relation to the poor, constituting chapter 27 of the general laws.

Chapter 225, Laws of 1896, as amended by Chapters 48, 222 and 507, Laws of 1897; 337 and 536, Laws of 1898; 83 and 462, Laws of 1899; 24, 345 and 475, Laws of 1900; 103 and 664, Laws of 1901; 117, Laws of 1902; 96 and 340, Laws of 1903, and 273, Laws of 1905.

- Article     I. County superintendents of the poor. (§§ 1-14.)  
              II. Overseers of the poor. (§§ 20-30.)  
              III. Settlement and place of relief of poor persons  
                      (§§ 40-57.)  
              IV. Support of bastards. (§§ 60-75.)  
              V. Soldiers, sailors and marines. (§§ 80-84.)  
              VI. State poor. (§§ 90-104.)  
              VII. Duties of state board of charities; powers of state  
                      charities aid association. (§§ 115-121.)  
              VIII. Miscellaneous provisions. (§§ 130-143.)  
              IX. Laws repealed; when to take effect. (§§ 150-151.)

ARTICLE I.

COUNTY SUPERINTENDENTS OF THE POOR.

- Section    1. Short title.  
              2. Definitions.  
              3. County superintendents of the poor.  
              4. Appointment of superintendent as keeper of almshouse.

- Section 5. When they may direct overseers of the poor to take charge of county poor.
6. Idiots and lunatics.
  7. Pestilence in almshouse.
  8. Accounts of county treasurer with towns.
  9. Annual apportionment of town expenses.
  10. Tax levy on towns.
  11. Expense of county poor.
  12. Superintendents' report to the state board of charities.
  13. Supervisors may direct as to temporary or outdoor relief to poor.
  14. Penalty for neglect or false report.

Section 1. Short title.—This chapter shall be known as the poor law.

§ 2. Definitions.—A poor person is one unable to maintain himself, and such person shall be maintained by the town, city, county or state, according to the provisions of this chapter. In counties having but one superintendent of the poor, the term "superintendent" or "superintendents of the poor," when used in this chapter, means such superintendent; and in towns or cities having but one overseer of the poor, the term "overseers" or "overseers of the poor," when used in this chapter, means a town or city overseer of the poor. An "almshouse" is a place where the poor are maintained at the public expense.

The popular meaning of the word "almshouse" is, of course, well understood, but the revisers and the legislature have not confined us to the popular meaning. They have given to the word a much wider and more comprehensive definition than it has in popular usage. That may properly be termed the statutory definition which is found in the second section of the Poor Law. It is there defined as a "place where the poor are maintained at the public expense." It is not necessary that it should be a public building or that there should be but one place. *Court of Appeals, May, 1899, The People ex rel. John B. French as Overseer of the Poor of the City of Ithaca, Respondent, v. James S. Lyke, as Superintendent of the Poor of the County of Tompkins, Appellant*, 159 N. Y. 149.

The town poor are such persons as are required by law to be relieved or supported at the expense of the town or city; the county poor are such persons as are required by law to be relieved or supported at the expense of the county; and the state

poor are such persons as are required by law to be relieved or supported at the expense of the state.

§ 3. County superintendents of the poor.—The county superintendents of the poor shall:

1. Have the general superintendence and care of poor persons who may be in their respective counties.

2. Provide and keep in repair suitable almshouses when directed by the board of supervisors of their county.

3. Establish rules and by-laws for the government and good order of such almshouses, and for the employment, relief, management and government of the poor therein; but such rules and regulations shall not be valid until approved by the county judge of the county, in writing.

4. Unless a keeper be appointed by the board of supervisors, as provided by section four of this article, employ suitable persons to be keepers of such houses, and physicians, matrons and all other necessary officers and servants, and vest such power in them for the government of such houses, and the poor therein, as shall be necessary, reserving to such poor persons who may be placed under the care of such keepers, matrons, officers or servants, the right of appeal to the superintendents. (*As amended by chapter 340 of the Laws of 1903.*)

5. Purchase all necessary furniture, implements, food and materials for the maintenance of the poor in such houses, and for their employment in labor, and use, sell and dispose of the proceeds of such labor as they shall deem expedient.

6. Prescribe the rate of allowance to be made for bringing poor persons to the county almshouse, subject to such alterations as the board of supervisors may by general resolution make.

7. Authorize the keepers of such houses to certify the amount due for bringing such poor persons; which amount shall be paid by the county treasurer on the production of such certificate, countersigned and allowed by the county superintendents of the poor.

8. Summarily decide any dispute that shall arise concerning the settlement of any poor person, upon a hearing of the parties, and for that purpose may issue subpoenas to compel the attendance of witnesses, with the like powers to enforce such process,

as is given to a justice of the peace in an action pending before him; their decision shall be filed in the office of the county clerk within thirty days after they are made, and shall be conclusive and final upon all parties interested, unless an appeal therefrom shall be taken, as provided in this chapter.

9. Direct the commencement of suits by any overseer of the poor who shall be entitled to prosecute for any penalties, or upon any recognizance, bonds, or securities taken for the indemnity of any town or of the county; and in case of the neglect of any such overseer, to commence and conduct such suits, without the authority of such overseer, in the name of such superintendents.

10. Draw on the county treasurer for all necessary expenses incurred in the discharge of their duties, which draft shall be paid by such treasurer out of the moneys placed in his hands for the support of the poor.

11. Audit and settle all accounts of overseers of the poor, justices of the peace, and all other persons, for services relating to the support, relief or transportation of the county poor; and draw on the county treasurer for the amount of the accounts which they shall so audit and settle.

12. Furnish necessary relief to such of the county poor as may require only temporary assistance, or are so disabled that they cannot be safely removed to the county almshouse, or to the county poor who can be properly provided for elsewhere than at the county almshouse at an expense not exceeding that of their support at such almshouse.

13. Render to the board of supervisors of their county, at their annual meeting, a verified account of all moneys received and expended by them, or under their direction, and of all their proceedings in such manner and form as may be required by the board.

14. Pay over all moneys remaining in their hands, within fifteen days after the expiration of their terms of office, to the county treasurer, or their successors.

15. Administer oaths and take affidavits in all matters pertaining to their office, and elicit, by examination under oath, statements of facts from applicants for relief.

Expenditures by the superintendent of the poor in the administration of his department are subject to the following limita-

tions: The board of supervisors, at its annual meeting, may fix the maximum sum which may be expended by the superintendent, at his discretion, during the next ensuing year, and may provide that expenditures in excess of that sum shall be made only with the written approval of the chairman of the board of supervisors, or of a committee of the board, composed of not exceeding three members. If such limitation is fixed and such provision made, the county treasurer shall not pay any draft or order of the superintendent in excess of the sum so fixed by the board, unless it is accompanied with the written approval of such chairman or committee. (*As amended by chapter 507 of the Laws of 1897.*)

The board of supervisors of a county has no power to direct the county treasurer not to pay, out of the poor funds, any draft drawn by the superintendents of the poor to their own order, or to the order of either of them, nor to direct him not to pay any draft unless the object for which the money is to be paid be specified therein. *Supreme Court, December, 1878, People ex rel. Severn v. Demarest*, 16 Hun, 123.

As to whether the statute (chap. 26, Laws of 1832) authorizing superintendents of the poor to "audit and settle all accounts \* \* \* for services relating to the support, relief or transportation of county paupers" confers upon those officers power to audit claims under contracts made with them, *quaere*.

The claim of an attorney for services rendered by him on the employment of superintendents of the poor in bastardy proceedings is not one "relating to the support, relief or transportation" of paupers within the meaning of that statute, and no power is conferred upon the superintendents to audit such a claim.

Said officers have power to employ an attorney to conduct such proceedings; they are responsible to the attorney for his services and he may enforce his claim against them by action.

*It seems* that every expense they incur by such employment is a county charge, subject to the audit of the board of supervisors.

*It seems* also that where bastardy proceedings are successful and indemnity secured, the attorneys fees with other expenses incurred may be charged upon the putative father (1 R. S. 644, §§ 13, 14). *Court of Appeals, January, 1885, Neary v. Robinson*, 98 N. Y. 81; *Neary v. Robinson* (*Supreme Court, May, 1882, 27 Hun, 145*), reversed.

It was more than intimated in *Hayes v. Symonds* (9 Barb. 260), that purchases of material and employment of labor by the superintendents, for which they were authorized to contract, were not the class of accounts to which the statute cited had reference. It would seem to be the more reasonable interpretation that their auditing power does not extend to their own contracts, and so make them sit as judges upon questions relating to their own conduct and their own corporate liability. *Court of Appeals, January, 1885, Neary v. Robinson*, 98 N. Y. 84.

Superintendents of the poor are not bound to audit the accounts of physicians and others for services rendered to county paupers by request of the overseers of the poor of the several towns; and this though the services were rendered in pursuance of orders for temporary relief. It is the duty of the overseers to adjust such accounts and charge them in their bills against the county. The employment of a physician by the superintendents of the poor of a county does not supersede the right of the overseers of the several towns to employ other physicians to attend county paupers entitled to temporary relief. *Supreme Court, February, 1843, ex parte Green & Brown, 4 Hill, 558.*

The provisions of subdivision 11 have no reference to services performed by the servants and laborers who are employed at the county poorhouse. *Supreme Court, July, 1850, Hayes v. Symonds, 9 Barb. 260.*

Superintendents of the poor have capacity to contract a liability for supplies furnished for the county poorhouse; which liability may be enforced by suit. *Id.*

But where it appears that the credit for supplies thus furnished was given to a fund, in the county treasury, raised by virtue of the fiftieth section of the act for the relief of indigent persons, called the poorhouse fund, instead of to the superintendents, and on the supposition that the goods would be paid for by a draft on the treasurer, no action will lie against the superintendents until an application has been made to them for an order on the fund, and they have refused to give it. *Id.*

The office of superintendent of the poor, though invested with corporate powers, is, notwithstanding, a mere agency of the county, and the relation between the county and its superintendent is that of principal and agent. *Court of Appeals, September, 1867, People v. Bennett, 37 N. Y. 117.*

Where a person sells to superintendents of the poor, provisions for the poorhouse, upon an agreement that it is to be a cash sale, or if an order shall be given that it shall answer as cash, whereupon the superintendents give him an order upon the treasurer of the county, for the amount, and upon presentment of such order to the treasurer payment is refused, for want of funds, the vendor is remitted to his original right of action against the superintendents and may recover of them the value of the supplies.

In such a case the county is liable on the contract made by its authorized agents in the business specially committed to them by the statute. *Supreme Court, May, 1851, Paddock v. Symonds, 11 Barb. 117.*

The acts of a majority of the superintendents is binding upon the whole board. *Court of Appeals, February, 1874, Johnson v. Dodd, 56 N. Y. 76.*

The statutes relating to the support of the poor at county poorhouses furnish no authority for a discrimination between county and town poor, in respect to the application of the income of the poorhouse farm. On the contrary the legislature intended the income should be applied to the support of the poor of the county generally, at the poorhouse, without distinction.

The statutory provisions obviously contemplate that the benefits resulting from the poorhouse and farm shall be common to the county and towns, in respect to the support of the poor at the poorhouse, without any regard whatever to the general obligation of each to support its own poor.



The occupancy of the property, the products of the farm consumed thereon and in the poorhouse, the labor of the poor in carrying on the farm and the business of the poorhouse, the avails of sales of products of the farm and the labor of the poor, are all to go, and be applied, to reduce the expenses of the support of the poor generally, at the poorhouse, without any discrimination.

Thus, where the city of Rochester was, by law, in the condition of a town, in respect to the mode of supporting its poor at the county poorhouse, it was held that the income of the poorhouse farm in Monroe county ought to be applied to the support, indiscriminately, of the county, town and city poor, kept at the county poorhouse on said farm. *Supreme Court, September, 1856, City of Rochester v. Supervisors of Monroe*, 22 Barb. 248.

The overseer of the poor cannot incur for the county a liability beyond the sum of \$10, for relief in a single case, without the consent of one of the superintendents of the poor.

But with this restriction, his power of giving temporary relief is independent of the control of the superintendents of the poor. *Cayuga Circuit Court, November, 1851, Gere v. Supervisors of Cayuga*, 7 How. 255.

The superintendents of the poor are not authorized to receive paupers into the county poorhouse to be supported at the expense of the county, unless an order to that effect has been made by the overseer of the poor; or a warrant has been issued for the removal of the pauper to the county poorhouse as a lunatic. *In Chancery, May 19, 1840, Pomeroy v. Wells*, 8 Paige, 405.

The court of sessions has no power in a proceeding under title 8 of part 6 of the Code of Criminal procedure to prescribe the place where the poor person shall be supported, nor any of the conditions of such support, except that the manner of it shall be such as shall be approved by the superintendent of the poor. The provisions of the Revised Statutes requiring the removal to the county house of all persons requiring permanent relief or support do not apply to such a case. *Supreme Court, April 13, 1892, in re Weaver, Supt.*, 45 St. Rep. 95.

An account of moneys expended for the support of a pauper, in a county having a poorhouse, need not be audited by town auditors. *Supreme Court, August, 1828, People v. Supervisors of Washington*, 1 Wend. 75.

An action cannot be maintained against the superintendents of the poor upon an account for services relating to the support of county paupers.

Should the superintendents refuse to audit such an account, the proper remedy is by certiorari. *Supreme Court, May, 1848, Vedder v. Superintendent of Schenectady County*, 5 Den. 564.

Chapter 169 (§ 4) of the Laws of 1877 is not violative of the provision of section 11, article 8 of the Constitution forbidding the giving by a city of its money or property in aid of persons or corporations, save as excepted; it comes within the exception allowing such gifts by a city "in aid or support of its poor as may be authorized by law." *Court of Appeals, January 23, 1893, White v. Inebriates' Home*, 141 N. Y. 123; s. c. 56 St. Rep. 665; s. c. 56 St. Rep. 194, affirmed.

No implied obligation rests upon an overseer of the poor to compensate a person, who has, voluntarily and without request from him, relieved a

pauper. *Queens County Court, August, 1895, Smith v. Williams*, 13 Misc. 761; s. c. 69 St. Rep. 611.

If the person directed by an order of the court of sessions to pay a certain sum of money per week, payable monthly to a superintendent of the poor, to be applied exclusively to the support of her daughter, desires to relieve herself from the effect thereof, she should apply to the court of sessions under the provisions of section 918 of the Code of Civil Procedure, for its modification, but so long as the order remains unchanged, she is by force of the statute liable to pay the sum therein prescribed; such an order is not void because it gives no option to such person either to support her daughter or to pay the amount provided, and if it is irregular or improper the remedy is by appeal, and the question of its irregularity or impropriety cannot be raised in an action brought to collect the amount directed to be paid. *Court of Appeals, January 26, 1897, Aldridge v. Walker*, 73 Hun, 281; s. c. 57 St. Rep. 272.

§ 4. Appointment of superintendent as keeper of almshouse.—The board of supervisors of any county may, by resolution, appoint as keeper of its county almshouse one of the superintendents of the poor of such county, who shall hold such office until the expiration of his term as superintendent or until the board of supervisors, by resolution, shall determine that he shall no longer act in such capacity. The board of supervisors may fix the compensation such superintendent shall receive for acting as such keeper, and such compensation shall be a county charge. While a resolution of the board of supervisors directing such superintendent to act as keeper of the county almshouse is in force, the superintendents shall not employ a keeper thereof.

For work, labor and services rendered to the keeper of a county poor house by an inmate thereof and his wife, for the benefit of such keeper and in his business, and upon his promise to pay therefor, he is liable.

The keeper of a county poorhouse is not entitled, any more than a stranger, to the labor and services of the paupers therein, for his own advantage, without compensation; and any contract or promise he may make to pay for such labor will be obligatory upon him. *Court of Appeals, March, 1864, Bergin v. Wemple*, 30 N. Y. 319.

Laws of 1896, chap. 225, § 4, providing that the county superintendents of the poor, one of whom is elected annually, shall "employ" a keeper of the almshouse unless a keeper be "appointed" by the board of supervisors, does not authorize the superintendents of the poor to employ an almshouse keeper for a term of years.

A keeper of an almshouse "employed" by the superintendents of the poor in the failure of the board of supervisors to "appoint" a keeper (Laws 1896, chap. 225, § 4) is not an officer within Constitution 1895, art. 10, § 3, providing that an office, the duration of which is not fixed by the Con

stitution or by statute shall be held during the pleasure of the body making the appointment. *Supreme Court, June, 1897, Abrams v. Horton*, 18 App. Div. 208; s. c. 45 N. Y. Supp. 887.

§ 5. When they may direct overseers of the poor to take charge of the county poor.—Whenever the county superintendents take charge of the support of any county poor person, in counties where no almshouse is provided, they may authorize the overseers of the poor of the town in which such poor person may be, to continue to support him, on such terms and under such regulations as they shall prescribe; and thereafter no moneys shall be paid to such overseers for the support of such poor person, without the order of the superintendents; or the superintendents may remove such poor person to any other town, and there provide for his support, in such manner as they shall deem expedient.

§ 6. Idiots and lunatics.—The superintendents of the poor shall provide for the support of poor persons that may be idiots or lunatics, at other places than in the almshouse, in such manner as shall be provided by law for the care, support and maintenance of such poor persons.

Where the property of a father consists solely of pension moneys, and property purchased therewith, he cannot be compelled, under sections 915 and 916 of the Criminal Code, to support his pauper insane son. *Court of Sessions, Lewis County, December, 1895, Matter of St. Lawrence State Hospital*, 15 Misc. 159; s. c. 37 N. Y. Supp. 12; affirmed in 13 App. Div. 436. See also s. c. 15 Misc. 165.

§ 7. Pestilence in almshouse.—Whenever any pestilence of infectious or contagious disease shall exist in any county almshouse or in its vicinity, and the physician thereof shall certify that such pestilence or disease is likely to endanger the health of the persons supported thereat, the superintendents of the poor of such county shall cause the persons supported at such almshouse or any of them, to be removed to such other suitable place in the same county as shall be designated by the board of health of the city, town or village, within which such almshouse shall be, there to be maintained and provided for at the expense of the county, with all necessary medical care and attendance, until they can be safely returned to the county almshouse from which they were taken, or otherwise discharged.

§ 8. Accounts of county treasurer with towns.—In counties where there are town poor, the county treasurer thereof shall open and keep an account with each town, in which the town shall be credited with all the moneys received from the same, or from its officers, and shall be charged with the moneys paid for the support of its poor. If there be a county almshouse in such county, the superintendents of the poor shall, in each year, before the annual meeting of the board of supervisors, furnish to the county treasurer a statement of the sums charged by them as herein directed, to the several towns for the support of their poor, which shall be charged to such towns, respectively, by the county treasurer in his account.

The actual expense to towns for the support of their poor in the county almshouse must be determined by what has really been paid for such support by the county. There shall be no discrimination between town and county poor, in respect to the application of products from the poor farm, or the products derived from the labor of the poor. *Supreme Court, September, 1856, City of Rochester v. Supervisors of Monroe Co., 22 Barb. 248.*

§ 9. Annual apportionment of town expenses.—In counties having an almshouse, and where there are town poor, the superintendents shall annually, and during the week preceding the annual meeting of the board of supervisors, make out a statement of all the expenses incurred by them the preceding year for the support of town poor, and of the moneys received therefor, exhibiting the deficiency, if any, in the funds provided for defraying such expenses, and they shall apportion the deficiency among the several towns in proportion to the number and expenses of the town poor of such towns respectively, who shall have been provided for by the superintendents, and shall charge the towns with such proportion; which statement shall be by them delivered to the county treasurer.

§ 10. Tax levy on towns.—At the annual meeting of the board of supervisors, the county treasurer shall lay before them the account kept by him; and if it shall appear that there is a balance against any town, the board shall add the same to the amount of taxes to be levied and collected upon such town, with the other contingent expenses thereof, together with such sum for interest as will reimburse and satisfy any advances that may be

made, or that may have been made, by the county treasurer for such town, which moneys, when collected, shall be paid to the county treasurer.

§ 11. Expense of county poor.—The superintendents of the poor shall annually present to the board of supervisors, at their annual meeting, an estimate of the sum which, in their opinion, will be necessary during the ensuing year for the support of the county poor; and such board of supervisors shall cause such sum as they may deem necessary for that purpose, to be assessed, levied and collected, in the same manner as other contingent expenses of the county, to be paid to the county treasurer and to be by him kept as a separate fund, distinct from the other funds of the county.

<sup>\*</sup> Superintendents of the poor have capacity to contract a liability for supplies for the county almshouse. *Supreme Court, July, 1850, Hayes v. Symonds, 9 Barb. 260.*

§ 12. Superintendents' report to the state board of charities.—The superintendents of the poor of every county shall, on or before the first day of December in each year, make reports covering the year ending September thirtieth, to the state board of charities in such form as the board shall direct, showing the number of the town poor and of the county poor that have been relieved or supported in their county the year preceding October first; the whole expense of such support, the amount paid for transportation of poor persons, and any other items not part of the actual expenses of maintaining the poor, and the allowance made to superintendents, overseers, justices, keepers, matrons, officers and other employes of the superintendents; the actual value of the labor of the poor persons maintained, and the estimated amount saved in the expense of their support in consequence of their labor; the sex and native country of every such poor person, with the causes, either direct or indirect, which have operated to render such persons poor, so far as the same can be ascertained; and shall include in such report a statement of the name and age of, and of the names and residence of the parents of, every poor child who has been placed by them in a family during the year, with the name and residence of the family with whom every such child was placed, and the occupation of

the head of the family, together with such other items of information in respect to their character and condition as the state board of charities shall direct.

§ 13. Supervisors and members of town boards may direct as to temporary or outdoor relief to the poor.—The board of supervisors of any county may make such rules and regulations as it may deem proper in regard to the manner of furnishing temporary or outdoor relief to the poor in the several towns in said county, and provided the board of supervisors shall have failed to make any such rules and regulations the town board of any town may make such rules and regulations as it may deem proper in regard to furnishing temporary or outdoor relief to the poor in their respective towns, by the overseer or overseers of the poor thereof, and also in regard to the amount such overseer or overseers of the poor may expend for the relief of each person or family, and after the board of supervisors of any county, or the town board of any town, shall have made such rules and regulations, it shall not be necessary for the overseers of the poor of the towns in said county, where such rules and regulations were made by the board of supervisors, or if in a town by the said town board, to procure an order from the supervisor of the town, or the sanction of the superintendent of the poor to expend money for the relief of any person or family, unless the board of supervisors of such county or the town board of such town shall so direct; but this section shall not apply to the counties of New York and Kings. (*As amended by chapter 48 of the Laws of 1897.*)

§ 14. Penalty for neglect or false report.—Any superintendent of the poor or other officer or person having been an officer, who shall neglect or refuse to render any account, statement or report required by this chapter, or shall willfully make any false report, or shall neglect to pay over any moneys within the time required by law, shall forfeit two hundred dollars to the town or county of which he is or was an officer, and shall be liable to an action for all moneys which shall be in his hands after the time the same should have been paid over, with interest thereon at the rate of ten per centum per annum from the time the same

should have been paid over. The state board of charities shall give notice to the district attorney of the county of every neglect to make the report required to be made to that board, and every officer or board to whom any such account, statement, report or payment should have been made, shall give notice to such district attorney of every neglect or failure to make the same; and such district attorney shall, on receiving such notice or in any way receiving satisfactory evidence of such default, prosecute for the recovery of such penalties or moneys in the name of the town or county entitled thereto, and the sum recovered, if for the benefit of the town, shall be paid to the overseer of the poor thereof, and if for the benefit of the county, shall be paid into the county treasury, to be expended by the overseer or superintendent of the poor for the support of the poor of such town or county.

## ARTICLE II.

### OVERSEERS OF THE POOR.

Section 20. Relief in counties having almshouse.

21. Expense of removal, and temporary relief.
22. How supported, and when discharged.
23. Temporary relief to persons who can not be removed to almshouse.
24. Relief in counties having no almshouse.
25. Overseer to make monthly examinations and audit accounts.
26. Overseers to keep books of account.
27. Annual report of overseers.
28. Accounts of town officers.
29. Overseers of the poor in cities.
30. Certain poor persons to be sent to hospitals.

Section 20. Relief in counties having almshouse.—When any person shall apply for relief to an overseer of the poor, in a county having an almshouse, such overseer shall inquire into the state and circumstances of the applicant; and if it shall appear that he is a poor person, and requires permanent relief and support, and can be safely removed, the overseer shall, by written order, cause such poor person to be removed to the county

almshouse, or to be relieved and provided for, as the necessities of the applicant may require. If the county be one where the respective towns are required to support their own poor, the overseer shall designate in such order of removal, whether such person be chargeable to the county or not; and if no such designation be made, such person shall be deemed to belong to the town whose overseer made such order.

A person receiving aid as a poor sick person from the officers of the poor in a city or county, in the absence of any representations on his part as to his responsibility or physical condition, incurs no liability to repay the amount expended on his behalf.

*It seems* the question as to the propriety of granting relief asked is confided to the discretion of said authorities, and if they grant it, the presumption is that they made such investigations as they deemed necessary and determined the question as to the right of the party to relief, their determination cannot be reviewed.

Such aid once furnished must thereafter be regarded as a charity extended by the authorities without expectation of reimbursement, and their misjudgment as to the necessities of the person relieved raises no implied promise on his part to repay moneys expended in his behalf.

Money voluntarily paid out by one person for another cannot be recovered back. To maintain an action to recover moneys paid out and expended, it is essential to prove a request to make the payment on the part of the person benefited, either expressed or fairly to be implied from the circumstances.

Every person has a natural right to choose the mode and manner of his life, and so long as he does not violate any positive provision of law, to follow it; and money voluntarily furnished by the charitable and credulous, without deception, to aid him cannot be recovered back.

The possession of some property by a person does not always and necessarily preclude such person from a just claim for charitable relief. *Court of Appeals, November, 1889, City of Albany v. McNamara*, 117 N. Y. 168.

A poor person has no right to choose the place or manner of his support but must take it in the way the law confers it.

There is no implied obligation upon an overseer or superintendent of the poor to compensate a person who has voluntarily relieved a pauper without a request from the overseers of the poor.

One B having met with an accident was received by the plaintiff into his house, and there nursed and cared for. Notice was given to the overseer of the poor, who offered to remove B to the poorhouse and there care for him, but B refused to be removed and remained with the plaintiff. *Held* that these facts were insufficient to create a liability on the part of the overseer to compensate plaintiff for the care and nursing provided by him for B. *Queens County Court, August, 1895, Smith v. Williams*, 13 Misc. 761.

In counties where the poor are a county and not a town charge, money paid for either the permanent, or temporary, support of a pauper is the money of the county and not of the town. Hence the town can have no color of right to recover it back from a person alleged to have obtained it fraudulently.



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In counties where there is no county poorhouse, and the towns are severally liable for the support of their own poor, moneys raised for the support of the poor are placed in the hands of the overseers of the poor; and when an overseer pays out money for the support of a pauper or contracts for his support, he is entitled to appropriate the money, in the first case, and retain it in his own hands in the other. He has absolute control of the fund and is liable only for moneys not lawfully appropriated.

If an overseer of the poor, having money for the support of the poor, in his hands, makes a contract with another for the support of a pauper, that is within the amount which he has a right to furnish, he may properly charge it in account, and retain it, in his settlement with the board of town auditors.

If he becomes personally liable, upon such contract, by reason of his not having obtained an order for the support of the pauper, it is not fraudulent for him to protect himself against such personal liability upon his contract, by retaining the amount thereof out of moneys in his hands. *Supreme Court, April, 1867, Robbins v. Woolcott, 66 Barb. 63.*

Where overseers of the poor relieved and supported paupers belonging to another town, at the request of the overseer of the poor of the town in which the paupers belonged, and the latter overseer, after such support had been furnished, on the presentation of the bill therefor, agreed to pay the same, it was held that he was not personally liable on the contract; it appearing from the facts and circumstances that he was acting in his official character, and did not intend to bind himself personally.

Held also, that he was not liable in his official character; the proper remedy for the plaintiffs being that pointed out by statute, viz., to get the claim for the maintenance allowed by the superintendents of the poor, and to lay the same, when thus allowed, before the board of supervisors, in order that they might add the same to the tax list of the town in which the paupers belonged. *Supreme Court, July, 1852, Holmes v. Brown, 13 Barb. 599.*

Where a person has at the request of an overseer, and on his promise to see him paid, boarded a pauper and furnished him with necessaries, he may maintain an action of *assumpsit* against the overseer, although no order had ever been made for relief of the pauper. *Supreme Court, August, 1818, King v. Butler, 15 Johns. 281.*

They are subject to an action for debts contracted by their predecessors, as overseers. *Supreme Court, August, 1823, Todd v. Birdsell, 1 Cow. 260; Supreme Court, February, 1826, Grant v. Fancher, 5 Id. 309.*

Overseers are not liable, in their individual capacities, for the fraud of their predecessors. Overseers cannot be held individually for the fraudulent acts of their predecessors. *In Chancery, 1821, Gregory v. Reeve, 5 Johns. Ch. 232.*

Overseers may make contracts, within the scope of their authority, which are binding upon them in their official capacity, and upon their successors in office; which successors are liable to be sued for a non-performance of such contracts. *Supreme Court, August, 1829, Palmer v. Vandenberg, 3 Wend. 193; Supreme Court, May, 1851, Paddock v. Symonds, 11 Barb. 117.*

A contract for the support of a pauper, for an indefinite period, may be rescinded by the overseers. *Id.*

An overseer of the poor cannot contract with the poor officers of another town, for the maintenance of paupers then temporarily residing in the latter. The account must be audited by the superintendents of the poor, and the amount levied by the supervisors against the town responsible for the support of the paupers. *Court of Appeals, June, 1857, Overseers of Norwich v. Overseers of Pharsalia*, 15 N. Y. 341.

§ 21. Expense of removal, and temporary relief.—Unless such poor person is properly chargeable to the town, the overseer, in addition to the expense of such removal, shall be allowed such sum as may have been necessarily paid out, or contracted to be paid, for the relief or support of such poor person, previous to such removal and as the superintendent shall judge was reasonably expended while it was improper or inconvenient to remove such poor person, which sum shall be paid by the county treasurer, on the order of the superintendent.

§ 22. How supported and when discharged.—The person so removed shall be received by the superintendents, or their agents, and be supported and relieved in a county almshouse until it shall appear to them that such person is able to maintain himself, or, if a minor, until he is bound out or otherwise cared for, as hereinafter provided, when they may, in their discretion, discharge him.

One who is an inmate of the poorhouse at the expense of the county, although not committed as a pauper, is amenable to the rules and regulations of the institution so long as he remains. *Supreme Court, June, 1883, Spence v. Brown*, 17 *Weekly Dig.* 518.

§ 23. Temporary relief to persons who can not be removed to almshouse.—If it shall appear that the person so applying requires only temporary relief, or is sick, lame or otherwise disabled so that he can not be conveniently removed to the county almshouse, or that he is a person who should be relieved and cared for at his home under article five of this chapter, the overseers shall apply to the supervisor of the town, who shall examine into the facts and circumstances, and shall, in writing, order such sum to be expended for the temporary relief of such poor person, as the circumstances of the case shall require, which order shall entitle the overseer to receive any sum he may have paid out or contracted to pay, within the amount therein specified, from the county treasurer, to be by him charged to the county, if such person be a county charge, if not, to be charged to the town where such relief was afforded; but no greater sum

than ten dollars shall be expended or paid for the relief of any one poor person, or one family, without the sanction, in writing, of one of the superintendents of the poor of the county, which shall be presented to the county treasurer, with the order of the supervisor, except when the board of supervisors has made rules and regulations as prescribed in section thirteen of this chapter.

Where no rules or regulations governing the furnishing of temporary or outdoor relief to the poor of a town have been made by the board of supervisors of the county or by the town board as provided by section 13, *ante*, the overseer of the poor of the town, under this section cannot expend more than ten dollars for the temporary relief of a person who cannot be removed to the almshouse, unless he is authorized to do so by order of the supervisor of the town and the written sanction of one of the superintendents of the poor of the county; the overseer has no power to compel the supervisor to give him such an order or the superintendent to give him such sanction; he performs his entire duties in the premises by applying to the supervisor in behalf of the poor person. *Supreme Court, March, 1901, Braze v. Stewart, 59 App. Div. 476; 69 N. Y. Supp. 231.*

The overseer of the poor cannot incur for the county liability beyond the sum of ten dollars, for relief in a single case, without the consent of one of the superintendents of the poor.

But with this restriction, his power of giving temporary relief is independent of the control of the superintendents of the poor. *Cayuga Circuit Court, November 1851, Gere v. Supervisors of Cayuga Co., 7 How. Pr. 255.*

The question as to the propriety of granting relief asked is confided to the discretion of the poor authorities, and if they grant it, the presumption is that they made such investigations as they deemed necessary, and determined the question as to the right of the party to relief, their determination cannot be reviewed. *Court of Appeals, November, 1889, City of Albany v. McNamara, 117 N. Y. 168.*

An action will not lie against overseers of the poor for omitting to apply to a justice to obtain an order for the relief of a pauper settled in their town, at the suit of one who, after giving them notice, and requiring them to provide for the pauper, supports him at his own expense, voluntarily, and without request from the overseers of the poor. The appropriate remedy is by mandamus in behalf of the pauper. *Supreme Court, August, 1826, Minklaer v. Rockefeller, 6 Cow. 276.*

An order of a justice of the peace (supervisor), authorizing an allowance for the relief of a pauper, is authority sufficient for an overseer to contract for the support of such pauper. A formal adjudication of the settlement of the pauper in such case is not necessary. *Supreme Court, August, 1820, Palmer v. Vandenberg et al., 3 Wend. 193.*

If no fraud be shown and no injury resulted to the taxpayers no action by the taxpayers can be maintained against an overseer of the poor under the taxpayers act of 1881, chapter 531, for expending more than ten dollars for the relief of a pauper or poor family without the written consent of a supervisor. *Supreme Court, April 16, 1891, Cobb v. Ramsdell, 37 St. Rep. 457.*

"In those counties in which there is no poorhouse an overseer (§ 43) is authorized to make an order for the allowance of such sum, weekly or otherwise, as the necessities of the poor person may require. If such pauper (§ 44) has a legal settlement in the town where the application is made, or in any other town of the same county, the overseer is required to apply the money to the relief of such pauper. The money paid by the overseer or contracted to be paid pursuant to such order, shall be drawn by him from the county treasurer on producing the order. If such pauper has not a legal settlement in some town of the county in which the application is made, then notice is to be given to the superintendent of the poor, and the overseer may support the pauper after such notice and until the superintendent assumes his support, and the overseer is to be paid therefor from the county treasury." *Supreme Court, April, 1867, Robbins v. Woolcott, 66 Barb. 67.*

§ 24. Relief in counties having no almshouse.—If application for relief be made in any county where there is no county almshouse, the overseer of the poor of the town where such application is made shall inquire into the facts and circumstances of the case, and with the written approval of the supervisor of such town, make an order in writing for such allowance, weekly or otherwise, as they shall think required by the necessities of such poor person. If such poor person has a legal settlement in such town, or in any other town in the same county, the overseer shall apply the moneys so allowed to the relief and support of such poor person. The money so paid by him, or contracted to be paid, when the poor person had no legal settlement in the town, and charged to the town in which he had a legal settlement, shall be drawn by such overseer from the county treasurer on producing such order. If such person has no legal settlement in such county, the overseer shall, within ten days after granting to him any relief, give notice thereof, and that such person has no legal settlement in such county, to one of the county superintendents, and until the county superintendents shall take charge of the support of such poor person, the overseer shall provide for his relief and support, and the expense thereof from the time of giving such notice shall be paid to such overseer by the county treasurer, on the production of such order and of proof by affidavit of the time of the giving of such notice, and shall be by him charged to the county.

§ 25. Overseer to make monthly examinations and audit accounts.—The overseer of the poor of a town or city shall, at least once each month, examine into the condition and necessi-

ties of each person supported by the town or city out of the county almshouse, and provide within the provisions of this chapter for such allowances, weekly or otherwise, as the circumstances may in his judgment require. All accounts for care, support, supplies or attendance, connected with the maintenance of such poor person or family, shall be settled once in three months, and paid if there be funds for that purpose. No bill, claim or account for care, support, supplies or attendance, furnished to poor persons, by order of the overseer of the poor, or otherwise, shall be audited or allowed by the overseer, unless such bill, claim, or account be verified by the claimant, to the effect that such care, support, supplies or attendance have been actually furnished for such poor persons, that such poor persons have actually received the same, and that the prices charged therefor are reasonable, and not above the usual market rates.

Overseers of the poor may make contracts within the scope of their authority, which are binding upon them in their official capacity, and upon their successors in office; which successors are liable to be sued for a non-performance of the contracts of their predecessors. *Supreme Court, August, 1829, Palmer v. Vandenberg, 3 Wend. 193.*

Where a person has, at the request of an overseer of the poor, and on his promise that he would see him paid, boarded a pauper, and furnished him with necessaries, he may maintain an action of *assumpsit* against the overseer, although no order had ever been made for the relief of the pauper. *Supreme Court, August, 1818, King v. Butler, 15 Johns. 281.*

But in *Supreme Court, May, 1820, in re Olney v. Wickes, 18 Johns. 122*, the court said: "There is no longer any question as to the rule of law, that, where a public agent acts ostensibly in the line of his duty, his contracts are public and not personal. It is also clear that a known public agent, acting within the scope of his authority and contracting for the use of the public, may, by special agreement, superadd his personal responsibility so as to render himself individually liable; but, as was correctly remarked by *Ch. J. Marshall*, in *Hogden v. Dexter*. 'Under these circumstances, the intent of the officer to bind himself personally must be very apparent to induce such a construction of the contract.'" See also *King v. Butler, supra*, and *Supreme Court, July, 1852, Holmes v. Brown, 13 Barb. 509*. In the latter case the court said: "The cases where an action has been held to lie against an overseer of the poor for the support of paupers, are placed upon the ground that the credit was given to the person individually, in his private capacity, and not as the officer or agent of the town."

In *Court of Appeals, June, 1857, in re The Overseers of the Poor of Norwich v. Overseer of Pharsalia, 15 N. Y. 341*, the town of Pharsalia being liable for the support of certain paupers, at the time being in the town of Norwich, the defendant as overseer of the poor of Pharsalia promised the plaintiffs,

overseers, etc., of Norwich, that, if they would provide for such paupers, he would pay the expenses incurred. It was held that it was not within the official power of the defendant to make such a contract, and that the plaintiffs are confined to the remedy given by statute, viz., the audit of the account by the superintendents of the poor, and the levying of the amount by the board of supervisors on the town of Pharsalia for the benefit of Norwich.

§ 26. Overseers to keep books of account.—Overseers of the poor, who receive and expend money for the relief and support of the poor in their respective towns and cities, shall keep books to be procured at town or city expense, in which they shall enter the name, age, sex and native country of every poor person who shall be relieved or supported by them, together with a statement of the causes, either direct or indirect, which shall have operated to render such relief necessary, so far as the same can be ascertained. They shall also enter upon such books a statement of the name and age, and of the names and residences of the parents of every child who is placed by them in a family, with the name and address of the family with whom every such child is placed, and the occupation of the head of the family. They shall also enter upon books so procured, a statement of all moneys received by them, when and from whom, and on what account received, and of all moneys paid out by them, when and to whom paid and on what authority, and whether to town, city or county poor; also a statement of all debts contracted by them as such overseers, the names of the persons with whom such debts were contracted, the amount and consideration of each item, the names of the persons for whose benefit the debts were contracted, and if the same have been paid, the time and manner of such payment.

The overseers shall lay such books before the board of town auditors or the common council of the city, at its first annual meeting in each year and, upon being given ten days' notice thereof, at any adjourned or special meeting of such board or council, together with a just, true and verified itemized account, of all moneys received and expended by them for the use of the poor since the last preceding annual meeting of said board, and a verified statement of debts contracted by them as such overseer and remaining unpaid. The board or council shall compare said account with the entries in the book, and shall examine

the vouchers in support thereof, and may examine the overseers of the poor, under oath, with reference to such account. They shall thereupon audit and settle the same, and state the balance due to or from the overseer, as the case may be. Such account shall be filed with the town or city clerk, and at every annual town meeting, the town clerk shall produce such town account for the next preceding year, and read the same, if it be required by the meeting. The overseers of the town shall have such books present each year at the annual town meeting, subject to the inspection of the voters of the town, and the entries thereon for the preceding year shall there be read publicly at the time reports of other town officers are presented, if required by a resolution of such meeting.

No credit shall be allowed to any overseers for moneys paid, unless it shall appear that such payments were made necessarily or pursuant to a legal order. (*As amended by chapter 222 of the Laws of 1897.*)

In an action against the sureties upon the official bond of the overseer of the poor to recover money misappropriated by him, the official verified reports filed by the overseer from time to time as required by the above section are competent against the sureties upon his official bond as proof of the condition of his accounts as to receipts and disbursements. *Supreme Court, May 31, 1901, Town of Goshen v. Smith, 61 App. Div. 461; 70 N. Y. Supp. 623; affirmed, Court of Appeals, January 6, 1903, 173 N. Y. 597.*

§ 27. Annual report of overseers.—Such overseer shall make to the town board, at its second annual meeting in each year, a written report, stating their account as provided in the last section, continued to that date, and any deficiency that may then exist in the town poor fund, with their estimate of the sum which they shall deem necessary for the temporary and outdoor relief and support of the poor in their town for the ensuing year, and in counties where there is no county almshouse, their estimate of such sum as they shall deem necessary to be raised and collected therein for the support of the poor for the ensuing year. If such board shall approve the statement and estimate so made or any part thereof, they shall so certify in duplicate, one of which certificates shall be filed in the office of the town clerk, and the other shall be laid by the supervisor of the town, before the board of supervisors of the county, on the first day of its next annual meeting. The board of supervisors shall cause the

amount of such deficiency and estimates, as so certified, together with the sums voted by such town for the relief of the poor therein to be levied and collected in such town, in the same manner as other town charges, to be paid to the overseers of the poor of such town, and the warrants attached to the tax-rolls in such county shall direct accordingly. The moneys so raised shall be received by such overseers, and applied toward the payment of such deficiency, and for the maintenance and support of the poor, for whose relief such estimates were made. The town board shall also, on or before the first day of December, annually certify to the county superintendents, the name, age, sex and native country, of every poor person relieved and supported by such overseers during the preceding year, with the causes which shall have operated to render them such poor persons, the amount expended for the use of each person, as allowed by the board, and the amount allowed to each overseer for services rendered in relation to temporary or town relief.

The town board shall include in such annual statement to the county superintendents and the county superintendents shall include in their own report to the state board of charities a statement of the name and age, and of the names and residence of the parents of every child who has been placed by such overseers in a family during the preceding year, with the name and address of the family with whom each child is placed, and the occupation of the head of the family.

The supervisors are not obliged to allow any charge for services relative to a pauper, unless a previous order has been obtained, or the services have been performed at the request of the overseers of the poor, and the account presented to them for adjustment. *Supreme Court, October, 1821, Hull v. Supervisors of Oncida, 19 Johns. 259.*

*See Court of Appeals, March, 1885, Osterhoudt v. Rigney, 98 N. Y. 222, under § 29 post.*

§ 28. Account of town officers.—The accounts of any town officer for personal or official services rendered by him, in relation to the town poor, shall be audited and settled by the town board and charged to such town. But no allowance for time or services shall be made to any officer for attending any board solely for the purpose of having his account audited or paid.

§ 29. Overseers of the poor in cities.—This chapter shall apply to overseers of the poor in cities, except where otherwise specially



provided by law. In the absence of such special provision, overseers of the poor in each city shall make their report to the auditing board of such city, by whatever name known, at the beginning of the fiscal year of such city, if such time be fixed, otherwise on the first day of January in each year; the common councils of such cities as shall be liable for the support of their own poor shall yearly determine the sum of money to be appropriated for the ensuing year, and a certified copy of such determination shall be laid before the board of supervisors of the county, who shall cause the same to be assessed, levied, collected and paid to the county treasurer.

Where overseers of the poor in a county which had adopted, pursuant to the act of 1846 (chapter 245, Laws of 1846), the provisions of the act of 1845 (chapter 334, Laws of 1845), for the relief of the poor, instead of pursuing the system provided by the act, procured supplies upon their own credit, and presented their accounts annually to the board of audit for allowance, the amount audited being put into the schedule of accounts and levied by the board of supervisors with other town charges. *Held*, that the failure to fill the requirements of the act did not deprive the overseers of any power to provide for the relief of the poor, and the advances so made were properly audited and charged against the town; that while the overseers were not bound to furnish supplies upon their own credit, and the act contemplates that they shall be put in funds in advance, under the provision therein (§ 7), authorizing the town board of audit to include in the estimate such sum as shall be necessary "to supply any deficiency in the preceding year," it had power to audit all sums fairly expended where no provision had been made therefor the preceding year. *Court of Appeals, March, 1885, Osterhoudt v. Rigney et al*, 98 N. Y. 222.

The omission of an overseer of the poor to bring the overseer's book before the town board and an audit of his account without a comparison of the items in the account with those in the book, are irregularities merely and do not render the audit invalid. *Id*.

Where audited claims of an overseer of the poor were included in the general schedule of town accounts, and in the warrant of the supervisors the amount was directed to be paid to the supervisor of the town, with direction to him to pay to the overseer—*Held*, that this was equivalent to a direction to pay to the overseer and so was a substantial compliance with the act. *Id*.

Also *Held*, that orders drawn at the request of the overseer by the board of audit upon the supervisors and accepted by them, created no liability against the town or any of its officers; that at most they operated only as assignments *pro tanto* of any moneys he was entitled to receive upon the audit. *Id*.

Where in a claim presented to the board of audit by an overseer of the poor there was included a portion of a claim presented and rejected the previous year, and the audit was for less than the whole amount, but for

more than the amount of the claim, deducting the amount so improperly included—*Held*, that a judgment vacating the whole audit was proper, as it could not be ascertained what amount of the illegal claim was allowed, or whether the deduction was made therefrom, or from the items which the board had jurisdiction to audit. *Id.*

Also *held*, that assignees of the overseer stood in the same position with and were bound by the result reached in respect to him. *Id.*

This action was brought by the plaintiff, a corporation organized under the laws of this state, for the care, education and support of poor orphan children, to recover the amount due it for supporting certain children between the age of two and sixteen years, residents of Long Island City, and whom it had received, cared for and supported, on the authority of written orders given by the overseer of the poor of the defendant city.

*Held*, that the plaintiff was entitled to recover, as it had acted under the direction of an officer who had full power to give such direction, and who was compelled by law to furnish the support for such children outside of the poorhouse, and in an incorporated orphan asylum.

That, as the relief of the children was permanent and not temporary, the ten dollar limitation imposed by section 42 of 2 Revised Statutes (7th ed., p. 1861), did not apply to them. *Supreme Court, May, 1888, Nuns of St. Dominick v. Long Island City, 48 Hun 306.*

The overseer of the poor cannot incur a liability beyond the \$10 for relief in a single case without the consent of one of the superintendents of the poor. But with this restriction, his power of giving temporary relief is independent of the control of the superintendents of the poor. *Cayuga Circuit Court, November, 1851, Gere v. Supervisors, 7 How. 255.*

*Supreme Court, April, 1867, in re Robbins v. Woolcott, 66 Barb. 71*, the court said: "By section *fifty-one* it is provided that in those counties where there are no county poorhouses the overseers of the towns shall enter in books an account of all matters transacted by them relating to their official duties; of all moneys received by them; of all moneys laid out and disbursed by them.

"By section *fifty-two* these books must be laid before the board of town auditors, with an account of moneys received and paid out. The board is required to compare such accounts with the entries in the book; examine the vouchers, and audit and settle the same; and state the balance due from such overseers, or to them, as the case may be. No credit shall be allowed to any overseer for moneys paid, unless it shall appear that such payment was made pursuant to a legal order. It seems to have been supposed that the account of the overseer must be audited and allowed before he can be paid. But clearly this cannot be the meaning of the section. The money for the support of the poor, whether it is paid into the county treasury and paid out by the superintendent, or is paid over to the overseer, is raised in advance of the expenditure, and is, or is supposed to be, in the hands of the treasurer or overseer. The overseer presents his account, to the board of auditors, so as to determine, not what he shall be paid, but whether he is entitled to keep what he has taken. It is not true, doubtless, that in all instances the money required is actually in his hands. He may issue orders or make contracts when there are no funds with which to pay. He must render an account of these also, and

in such case the board audits before payment; and if he receives the money allowed for such expenditures it is in order to pay debts actually due to himself, or to other persons holding the orders, or to whom he is liable for support rendered upon a contract made with him. If an overseer, under such circumstances, should charge for moneys paid, or claim allowance for liabilities incurred, which had no existence in fact, and obtain the money, he would be guilty of fraud."

§ 30. In all counties of this state in which there are not adequate hospital accommodations for indigent persons requiring medical or surgical care and treatment, or in which no appropriations of money are made for this specific purpose, it shall be the duty of county superintendents of the poor, upon the certificate of a physician approved by the board of supervisors, or of the overseers of the poor in the several towns of such counties, upon the certificate of a physician approved by the supervisor of the town, as their jurisdiction over the several cases may require, to send all such indigent persons requiring medical or surgical care and treatment to the nearest hospital, the incorporation and management of which have been approved by the state board of charities, provided transportation to such hospital can be safely accomplished. The charge for the care and treatment of such indigent persons in such hospitals, as herein provided, shall not exceed one dollar per day for each person, which shall be paid by the several counties or towns from which such persons are sent, and provision for which shall be made in the annual budgets of such counties and towns. (*Added by chapter 103 of the Laws of 1901.*)

### ARTICLE III.

#### SETTLEMENT AND PLACE OF RELIEF OF POOR PERSONS.

##### Section 40. Settlements, how gained.

41. Qualification of last section.
42. Poor persons not to be removed, and how supported.
43. Proceedings to determine settlement.
44. Hearing before superintendents.
45. How to compel towns to support poor persons.
46. Proceedings to determine who are county poor.
47. In counties without almshouse.
48. Decisions to be entered and filed.
49. Appeal to the county court.
50. Penalty for removing.

Section 51. Proceedings to compel support.

52. Liability, how contested.

53. Neglect to contest.

54. Actions, when and how to be brought.

55. Penalty for bringing foreign poor into this state.

56. Poor children under sixteen years of age.

57. Persons having real or personal property.

§ 40. Settlements, how gained.—Every person of full age, who shall be a resident and inhabitant of any town or city for one year, and the members of his family who shall not have gained a separate settlement, shall be deemed settled in such town or city, and shall so remain until he shall have gained a like settlement in some other town or city in this state, or shall remove from this state and remain therefrom one year. A minor may be emancipated from his or her father or mother and gain a separate settlement:

1. If a male, by being married and residing one year separately from the family of his father or mother.

2. If a female, by being married and having lived with her husband; in which case the husband's settlement shall be deemed that of the wife.

3. By being bound as an apprentice and serving one year by virtue of such indentures.

4. By being hired and actually serving one year for wages, to be paid such minor.

The place of birth of an infant pauper is, *prima facie*, his place of settlement, but it may be removed to the last legal settlement of the parents when discovered. *Supreme Court, August, 1819, Overseers of Vernon v. Overseers of Smithville, 17 Johns. 89*; and see, also, *Supreme Court, August, 1817, Delavergne v. Noxon, 14 Johns. 333*; *Supreme Court, October, 1826, Overseers of Berne v. Overseers of Knox, 6 Cow. 433*; *Supreme Court, February, 1824, Niskayuna v. Albany, 2 Cow. 537*.

If it do not appear that one has gained a settlement in his own right, his settlement follows that of his father.

But a change in the settlement of the father will not affect that of the son, if the father's settlement is obtained after the emancipation of the son.

To acquire settlement by apprenticeship, the servant must be under an indenture, or a deed, contract or writing not indented; a parole binding is not sufficient.

The place of birth is, *prima facie*, the place of settlement; but if the father's settlement be in another place, the settlement of the child follows

his. *Supreme Court, February, 1824, Overseers of Niskayuna v. Overseers of Albany*, 2 Cow. 537.

A father, who has acquired a legal settlement in a town, cannot by any deed, release or act of emancipation, divest his son, who has not arrived at 21 nor acquired a settlement for himself, of his right of settlement derived from his father; though the son, since such deed of emancipation, had not resided in his father's family, but had acted in all things for himself and worked entirely for his own benefit. *Supreme Court, January, 1823, Adams v. Foster*, 20 Johns. 452.

Until a poor person acquires a settlement in his own right, his settlement is that of his father or mother. *Supreme court, January, 1889, Stillwell v. Kennedy*, 51 Hun, 114.

Italian laborers, who come to the United States in search of work, leaving their families in Italy, are employed in constructing railroads, liable to be discharged at any time, and free to leave their employment when they see fit and living in rough shanties built by the railroad contractors, do not give a settlement in a town in which they work for a year, under 3 Rev. Stat. (Banks 8th ed.) p. 2111, § 29, providing that every person of full age, who shall be "a resident and inhabitant of any town one year," shall be deemed settled in said town. *Schuyler County Court, July 15, 1893, in re Town of Hector*, 24 N. Y. Supp. 475. See *Queens County Court, August, 1895, Smith v. Williams*, 13 Misc. 761; s. c., 69 St. Rep. 611.

The overseer is the sole judge as to who are paupers in his town, and should be relieved by him, and the exercise of that power cannot be reviewed collaterally either in the supreme court or by the town auditors. *Supreme Court, 1890, Christman v. Phillips*, 58 Hun, 282; s. c., 34 St. Rep. 444.

The town is charged with the support of the poor when there is no action taken by the supervisors to abolish the distinction between town and county poor. The city stands under the Poor Law in the place of the town. *Supreme Court, May, 1888, Nuns v. L. I. City*, 48 Hun, 306.

A person living on and working a farm on shares for two years or more gains a settlement. *Supreme Court, October, 1817, Overseers v. Overseers*, 14 Johns. 365.

An estate situate in a town without residence there, does not gain the owner a settlement in that town. *Supreme Court, May, 1819, Sherburne v. Norwich*, 16 Johns. 186.

A bastard child is settled in the town where it was born until it acquires a settlement for itself. *Supreme Court, August, 1817, Delavergne v. Noxon*, 14 Johns. 333.

A person cannot gain a settlement in any town until he shall have resided there for at least one year, whether such person be a pauper or not. When a settlement is once legally gained in any town it must necessarily remain there until one is subsequently established in some other town or county. *Montgomery County Court, March, 1882, Sitterly v. Murray*, 63 How. Pr. 367.

An adjudication as to the settlement of paupers for whose relief expenditures have been incurred by a town, may be made subsequent to such expenditures. *Supreme Court, May, 1829, People v. Supervisors of Oswego*, 2 Wend. 291.

The question of settlement cannot be tried in an action on a bond given to indemnify the town for the support of a bastard; the obligor is estopped by his bond from contesting that question. *Supreme Court, August, 1806, Falls v. Belknap*, 1 Johns. 486.

If a pauper having no settlement, be removed to another town to relieve the overseers from the burden of supporting him, and the overseers of the town to which he is removed are compelled to support him, the latter may recover by an action for reimbursement, against the overseers of the town which improperly removed him. *Supreme Court, October, 1818, Pittstown v. Plattsburgh*, 15 Johns. 436.

An overseer or superintendent of the poor who finds a pauper in his county or town, has no right to remove such pauper to another town or county where he believes he belongs; but he must provide for the pauper and then pursue the remedy afforded by the laws. *Supreme Court, July, 1883, Smith v. Brundage*, 17 Weekly Dig. 266.

A day laborer, who supported his family in one county, until immediately after moving into another county he becomes disabled and a county charge, is not a pauper as intended by the statutes. *Supreme Court, January, 1889, Wood v. Simmons*, 51 Hun, 325; s. c. 21 St. Rep. 390; 4 N. Y. Supp. 368.

Rev. St. N. Y. pt. 1, tit. 1, c. 20, § 59, as amended by chap. 546, L. 1885, provides that, when a pauper strays or is removed from one municipality to another, the county superintendents of the poor shall give the overseers of the poor of the pauper's town notice of such improper removal, and require them to take charge of the pauper. *Held*, that a notice which does not state that the pauper was a pauper while in the town from which he came, nor that his voluntary change of residence was improper was insufficient. *Supreme Court, June 22, 1889, McKay v. Walsh*, 6 N. Y. Supp. 358; 2 Sil. S. C. 463.

It is not necessary that a written denial of responsibility for the support of pauper by an overseer or superintendent should follow the exact language of the statute. *Court of Appeals, October 7, 1890, Stillwell v. Coons*, 122 N. Y. 242; affirming s. c. 12 St. Rep. 745.

Appeal is debarred from an order of removal which has not been executed owing to the death of the pauper. *Supreme Court, January, 1823, Adams v. Foster*, 20 Johns. 452.

Though an overseer abandon the appeal from an order of removal and takes back the pauper, yet the unreversed order is not conclusive evidence of settlement in the appellate town. *Supreme Court, August, 1819, Vernon v. Smithville*, 17 Johns. 89. See also *Supreme Court, February 1824, People v. Supervisors of Cayuga County*, 2 Cow. 530.

On appeal from an order of removal of a pauper, the order is no evidence of the facts it contains; but the respondents are bound to begin *de novo*; and make out their case independent of the order. *Supreme Court, February, 1827, Otsego v. Smithfield*, 6 Cow. 760.

The sessions may allow costs on appeals to them, from orders of removal. *Supreme Court, May, 1806, Newburg v. Plattkill*, 1 Johns. 330.

The force of an order requiring a relative to pay a certain sum per week to the county superintendent of the poor, for the support of an alleged dependent poor person, until the further order of the court, is terminated

by the termination of the person's dependency upon the public for support, as, by a discharge from the poorhouse followed by self-support; the doctrine of *res adjudicata* does not preclude the defendant, against whom such an order has been made, from setting up such a defence. *Court of Appeals, January 26, 1897, Aldridge v. Walker*, 151 N. Y. 527; reversing s. c. 82 Hun, 614.

A widow with children, who has a little personal property and is sick and unable to work, and whose husband's funeral expenses were paid by the town, and who has received aid from the town without objection from the overseer, is a poor and indigent person, within the meaning of the statute against the removal of poor persons from one town or county to another, with the intent to charge such town or county with their support. *Supreme Court, November 22, 1892. Bartlett v. Ackerman*, 49 St. Rep. 296; s. c. 66 Hun, 629.

The individual, under whose roof a poor person dies, is bound to carry the body, decently covered, to the place of burial. *Supreme Court, October, 1896, Griffin v. Condon*, 18 Misc. 236; s. c. 41 N. Y. Supp. 380.

Where a man and his wife resided for some years in Cattaraugus county, when they removed to Chemung, where the wife became insane and was taken to the asylum in Cattaraugus county, and the husband then moved to Buffalo and procured his wife's discharge and took her to his home, but shortly afterwards he took her back to the asylum, it was held, that when the wife was removed from the asylum, she ceased to be an insane pauper, that the husband acquired a settlement in Erie county, and his settlement became that of his wife, and an action for her support at the asylum could be maintained against Erie county. *Supreme Court, January 18, 1893, Superintendent of Cattaraugus v. Superintendent of Erie*, 50 St. Rep. 347; s. c. 66 Hun, 636.

§ 41. Qualification of last section.—A woman of full age, by marrying, shall acquire the settlement of her husband. Until a poor person shall have gained a settlement in his or her own right, his or her settlement shall be deemed that of the father, if living, if not, then of the mother; but no child born in any almshouse shall gain any settlement merely by reason of the place of such birth; neither shall any child born while the mother is such poor person, gain any settlement by reason of the place of its birth. No residence of any such poor person in any almshouse, while such person, or any member of his or her family is supported or relieved at the expense of any other town, city, county or state, shall operate to give such poor person a settlement in the town where such actual residence may be.

§ 42. Poor person not to be removed, and how supported.—No person shall be removed as a poor person from any city or town to any other city or town of the same or any other county,

nor from any county to any other county except as hereinafter provided; but every poor person, except the state poor, shall be supported in the town or county where he may be, as follows:

1. If he has gained a settlement in any town or city in such county, he shall be maintained by such town or city.

2. If he has not gained a settlement in any town or city in the county in which he shall become poor, sick or infirmed, he shall be supported and relieved by the superintendents of the poor at the expense of the county.

3. If such person be in a county where the distinction between town and county poor is abolished, he shall, in like manner, be supported at the expense of the county, and in both cases, proceedings for his relief shall be had as herein provided.

4. If such poor person be in a county where the respective towns are liable to support their poor, and has gained a settlement in some town of the same county other than that in which he may then be, he shall be supported at the expense of the town or city where he may be, and the overseers shall, within ten days after the application for relief, give notice in writing to an overseer of the town to which he shall belong, requiring him to provide for the support and relief of such poor person.

The penalty given by statute for bringing a poor or indigent person, not having a settlement, into any city or town within this State without legal authority, is incurred as well by bringing such person from one town to another town within the State, as by bringing him from without the State. *Supreme Court, May, 1832, Thomas v. Ross*, 8 Wend. 672.

To subject a party to the penalty, it must be shown that he acted *mala fide*; it seems, that carriers of passengers are within the letter, but not within the spirit of the act, and cannot be charged, unless in bringing poor and indigent persons into a city or town, and leaving them there, they act fraudulently.

Proof by an inhabitant long a resident in the town, that he had never known the pauper is *prima facie* sufficient evidence that the pauper has not a legal settlement in the town. *Id.*

It is no defense that the pauper had formerly a legal settlement in the place to which he was brought, and had not subsequently gained one elsewhere. *Supreme Court, May, 1847, Winfield v. Mapes*, 4 Den. 571.

§ 43. Proceedings to determine settlement.—If, within ten days after the service of such notice, the overseer to whom the same was directed, shall not proceed to contest the allegation of the settlement of such poor person, by giving the notice hereinafter directed, he or his successors, and the town which he or they



represent, shall be precluded from contesting or denying such settlement. He may, within the time mentioned, give written notice to the overseer of the town where such person may be, and from whom he has received the notice specified in the last section, that he will appear before the county superintendents, at a place and on a day therein to be specified, which day shall be at least ten days and not more than thirty days from the time of the service of such notice of hearing, to contest the alleged settlement. If the county superintendents fail to appear at the time and place so appointed, they shall, at the request of the overseers of either town appoint some place, and some other day, for the hearing of such allegations, and cause at least five days' notice thereof to be given to such overseers; and no poor person shall be deemed to have gained a settlement, when the proper notices to contest the settlement have been served, until there has been a hearing before the superintendent thereof, and an order by them made and filed in the office of the county clerk, fixing the settlement of such poor person.

*Montgomery County Court, March, 1882, In Sitterly v. Murray, 63 How. Pr. 370, the court said, "the object and scheme of the statute seem to be to provide for the settlement of all persons under the poor laws, no matter what their previous financial condition may have been, and whether they were ever paupers before or not, and to fix the liability of the proper town for their support and maintenance, whenever by misfortune or otherwise they should become a charge upon the public. This is the reasonable and natural conclusion to be drawn from the various provisions of the statute and from the language of these particular sections."*

§ 44. Hearing before superintendents.—The county superintendents shall convene whenever required by any overseer pursuant to such notice, and shall hear and determine the controversy, and may award costs, not exceeding fifteen dollars, to the prevailing party, which may be recovered in an action in a court of competent jurisdiction. Witnesses may be allowed fees as in courts of record. The decision of the superintendent shall be final and conclusive, unless an appeal therefrom shall be taken as provided by this chapter.

§ 45. How to compel towns to support poor persons.—The overseers of the poor of the town in which it may be alleged any poor person has gained a settlement, may, at any time after receiving such notice requiring them to provide for such person, take and receive such poor person to their town, and there sup-

port him; if they omit to do so, or shall fail to obtain the decision of the county superintendents, so as to exonerate them from the maintenance of such poor person, the charge of giving such notice, and the expense of maintaining such person, after being allowed by the county superintendents, shall be laid before the board of supervisors at their annual meetings from year to year, as long as such expenses shall be incurred, and the supervisors shall annually add the amount of such charges to the tax to be laid upon the town to which such poor person belongs, together with such sum in addition thereto, as will pay the town incurring such expense, the interest thereon, from the time of expenditure to the time of repayment, which sum shall be assessed, levied and collected in the same manner as other charges of such town. Such moneys when collected shall be paid to the county treasurer and be by him credited to the account of the town which incurred the expenses.

See *Court of Appeals, June, 1857, Overseers of Norwich v. Overseers of Pharsalia*, 15 N. Y. 341. The town of Pharsalia being liable for the support of certain paupers, at the time being in the town of Norwich, the defendant, as overseer of the poor of Pharsalia, promised the plaintiffs, overseers, etc., of Norwich, that if they would provide for such paupers, he would pay the expenses incurred; *Held*, that it was not within the official power of the defendant to make such a contract, and that the plaintiffs are confined to the remedy given by the statute, viz., the audit of the account by the superintendents of the poor, and the levying of the amount by the board of supervisors on the town of Pharsalia for the benefit of Norwich. Chief Justice Denio, writing the opinion, says:

"It was not contended, on the argument, that the defendant was personally liable, on the alleged promise, to reimburse the town of Norwich. The action was brought to enforce an alleged liability of the town, which the defendant represents, in favor of the town represented by the plaintiffs. But an examination of the statutes will show that the alleged contract of the defendant was not within the scope of his official power, and hence, that no action against the town can be maintained upon it. The Revised Statutes provide that paupers shall not be removed from one town to another, as they might have been under the former statutes; but they declare that every poor person shall be supported in the town or county where he may be. In counties where the respective towns are liable to support their poor (which was the case in Chenango), if a pauper has gained a settlement in a different town, in the same county, from the one where he may be when he requires relief, 'he shall be supported at the expense of the town where he may be, and the overseers shall give notice, in writing, to the overseers of the town in which such pauper shall belong, or to one of them, requiring them to provide for the support and relief of such pauper.' The two following sections provide for trying the question

as to the settlement of the pauper before the county superintendents of the poor, in cases where the overseer of the poor, on whom the notice is served, shall contest that point; and it is declared that, if he do not institute the proceedings authorized to be taken for that purpose, he and his town shall be forever precluded from denying that the settlement was in that town. The next section shows the manner in which the expenses incurred by the town of Norwich, in this case, might have been recovered, as follows: 'The overseers of the poor of the town in which it may be alleged any pauper has gained a settlement, may, at any time, after receiving such notice, requiring them to provide for such pauper, take and receive such pauper to their town, and there support him. If they omit to do so, or shall fail to obtain the decision of the county superintendents so as to exonerate them from the maintenance of such pauper, the charge of giving such notice, and the expense of maintaining such pauper, after being allowed by the county superintendents, shall be laid before the board of supervisors at their annual meetings, from year to year, as long as such expenses shall be incurred; and the supervisors shall annually add the amount of such charges to the tax to be levied upon the town to which such pauper belongs, together with such sum, in addition thereto, as will pay the town incurring such expenses the lawful interest thereon, from the time of expenditure to the time of repayment, which sum shall be assessed, levied and collected in the same manner as the other contingent expenses of such town. The said moneys, when collected, shall be paid to the county treasurer, and be by him credited to the account of the town which incurred the said expenses.'

"Now assuming that the defendant, as overseer of Norwich, made the promise alleged in the complaint, he did not bind his town more strongly for the payment of these expenses than it was bound by the statute; and he could not, by making such a promise, change the mode which the law had provided for the auditing, collecting and paying over the money. The overseers of Pharsalia, on receiving the notice from the plaintiff's town, could do one of two things. They could contest the allegation of settlement in their town by a proceeding before the superintendents. If they believed this could not be successfully done, they might take the pauper home to their own town, and provide for his support under their own superintendence. If they do neither, then the law takes charge of the case, and declares that the pauper shall be supported (in the first instance) at the expense of the town where he may be, and that such expense, after being audited by the county superintendents, shall be collected like the other town charges, out of the town which is chargeable, through the agency of the board of supervisors. The defendant elected neither to contest the settlement in his town, nor to bring the pauper there, to be supported under his direction; but it is said he bound his town, by an express promise, that it should reimburse the plaintiff's town. This is just what the statute declared should be done, and that obligation was not increased or diminished by the making of such promise. Nor can the fact of the making of such an undertaking authorize the town entitled to be reimbursed to pass by the agencies which the law has provided for the ascertainment of the amount of the expenses before they are levied upon the taxpayers, and sue the town, or its representative, in the courts. The

alleged official promise of the defendant was void for want of authority, on his part, to make it. If he did not choose to adopt one or the other of the causes which I have mentioned, he had no further agency in the case. The promise, therefore, was officious, and did not affect his town in any manner. The decision of the referee was right, and his judgment should be affirmed."

§ 46. Proceedings to determine who are county poor.—The support of any poor person shall not be charged to the county, without the approval of the superintendents. If a poor person be sent to the county almshouse as a county poor person, the superintendents, in counties where there are town poor, shall immediately inquire into the facts, and if they are of opinion that such person has a legal settlement in any town of the county, they shall, within thirty days after such poor person shall have been received, give notice to the overseers of the poor of the town to which such poor person belongs, that the expenses of such support will be charged to such town, unless the overseers within such time as the superintendents shall appoint, not less than twenty days thereafter, show that such town ought not to be so charged. On the application of the overseers, the superintendents shall re-examine the matter and take testimony in relation thereto, and decide the question; which decision shall be conclusive, unless an appeal therefrom shall be taken in the manner provided in this chapter.

§ 47. In counties without almshouse.—In counties having no almshouse, no person shall be supported as a county poor person, without the direction of at least one superintendent. In such cases the overseers of the poor, where such person may be, shall, within ten days after granting him relief, give notice thereof and that such person is not chargeable to their town, to one of the superintendents who shall inquire into the circumstances, and if satisfied that such poor person has not gained a legal settlement in any town of the county, and is not a state poor person, he shall give a certificate to that effect, and that such person is chargeable to the county. He shall report every such case to the board of superintendents at their next meeting, who shall affirm such certificate, or, on giving at least eight days' notice to the overseers of the poor of the town interested may annul the same. After hearing the allegations and proofs in the premises, if the superintendent to whom the overseers

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have given such notice shall neglect or refuse to give such certificate, the overseers may apply to the board of superintendents, who shall summarily hear and determine the matter, and whose decision shall be conclusive, unless an appeal therefrom shall be taken in the manner provided in this chapter. Such appeal may also be taken from the refusal of one superintendent to grant such certificate when there is but one superintendent in the county.

§ 48. Decisions to be entered and filed.—The decisions of county superintendents in relation to the settlement of poor persons, or to their being a charge upon the county, shall be entered in books to be provided for that purpose, and certified by the signature of such of the superintendents as make the same; and a duplicate thereof, certified in the same manner, shall be filed in the office of the county clerk within thirty days after making such decision.

§ 49. Appeal to the county court.—Any or either of the parties interested in a decision of the superintendent of the poor, or in any dispute that shall arise concerning the settlement of any poor person, may appeal from such decision to the county court of the county in which such decision shall be made, by serving upon the other parties interested therein, within thirty days after service upon the appellant of a notice of the same, a notice of appeal, which shall be signed by the appellant or his attorney, and which shall specify the grounds of the appeal. The hearing of such appeal may be brought on by either party in or out of term, upon notice of fourteen days. Upon such appeal a new trial of the matters in dispute shall be had in the county court without a jury, and a decision of the county court therein shall be final and conclusive, and the same costs shall be awarded as are allowed on appeals to said court.

For the purposes of this chapter the county court shall be deemed open at all times.

§ 50. Penalty for removing.—Any person who shall send, remove or entice to remove, or bring, or cause to be sent, removed or brought, any poor or indigent person, from any city, town or county, to any other city, town or county, without legal authority, and there leave such person for the purpose of avoid-

ing the charge of such poor or indigent person upon the city, town or county from which he is so sent, removed or brought or enticed to remove, shall forfeit fifty dollars, to be recovered by and in the name of the town, city or county to which such poor person shall be sent, brought or removed, or enticed to remove, and shall be guilty of a misdemeanor.

To make a person liable, under the statutes, for removing, without legal authority a poor and indigent person to another county, it must be alleged, and proven to be, *with intent*, to make such county chargeable with the support of such pauper.

The same intent must also be established, where the action is to make the county from which the pauper was removed liable under such provisions.

The intent with which the removal is effected, is the gravamen of criminal offense. An action will not lie by the superintendents of the poor of one county against the superintendents of another county for the maintenance of a pauper removed from the county of the latter *without legal authority*; into the county of the former, where the removal is made *at the request of the pauper*, so that he may be under the care of his family and friends, and *without any intent on the part of the person removing him to make the county into which he is removed chargeable with his support*. It seems, that the bringing of a pauper into this State, will not subject the person bringing him to the penalties of the act on this subject, unless it be done *with the intent* of subjecting some particular town or county to the charge of supporting such pauper. *Court of Appeals, March, 1866, Foster v. Cronkhite*, 35 N. Y. 139. A party may testify directly to the intent with which he did an act, when the intent is a fact material to the issue. *Court of Appeals, December, 1870, Cortland County v. Herkimer County*, 44 N. Y. 22.

In the latter case it was held that the superintendent might testify directly as to the intent with which he did an act when the intent is a fact material to the issue.

§ 51. Proceedings to compel support.—A poor person so removed, brought or enticed, or who shall of his own accord come or strayed from one city, town or county into any other city, town or county not legally chargeable with his support, shall be maintained by the county superintendents of the county where he may be. They may give notice to either of the overseers of the poor of the town, or city from which he was brought or enticed, or came as aforesaid, if such town or city be liable for his support, and if there be no town or city in the county from which he was brought or enticed or came liable for his support, then to either of the county superintendents of the poor of such county, within ten days after acquiring knowledge of

such improper removal, informing them of such improper removal, and requiring them forthwith to take charge of such poor person. If there be no overseers or superintendents of the poor in such town, city or county, such notice shall be given to the person, by whatever name known, who has charge and care of the poor in such locality.

In *Supreme Court*, June 21, 1889, *Bellow's v. Counter*, 6 N. Y. Supp. 73, it was held that an action will not lie for the support of a pauper by a county into which he had voluntarily removed, at a time when he was not a pauper, against the county from which he had so removed.

An overseer or superintendent of the poor who finds a pauper in his county or town, has no right to remove him to another town or county where he believes he belongs; but he must provide for his support and then pursue his remedy afforded by the laws. *Smith v. Brundage*, 17 Wkly. Dig. 266.

In *Supreme Court*, June 22, 1889, *McKay v. Welch*, 6 N. Y. Supp. 358, it was held, that a notice which does not state that the pauper was a pauper while in the town from which he came nor that his voluntary change of residence was improper, was insufficient.

Held that, when a person becomes a "poor person" after he has left the town or county in which he has gained a settlement, he must be supported by the county in which he becomes a poor person, without right on the part of such county to reimbursement from the town or county from which he came even though his settlement still remains there. *Supreme Court, App. Div.*, May 3, 1905, *Delaware County v. Town of Delaware, Sullivan County*. 93 N. Y. Supp. 954.

• § 52. Liability, how contested.—The county superintendents, or overseers, or other persons to whom such notice may be directed, may, after the service of such notice, take and remove such poor person to their county, town or city, and there support him, and pay the expense of such notice, and of the support of such person; or they shall, within thirty days after receiving such notice, by a written instrument under their hands, notify the county superintendents from whom such notice was received, or either of them, that they deny the allegation of such improper enticing or removal, or that their town, city or county is liable for the support of such poor person.

It is not necessary to follow the language of the statute in a denial of liability for the support of a pauper. *Court of Appeals*, October 7, 1890, *Stillwell v. Coons*, 122 N. Y. 242.

Personal service of a notice is not necessary to enable a town, city or county to contest its liability. *Supreme Court*, January, 1889, *Stillwell v. Kennedy*, 61 Hun, 114.

When a poor person removes, or is removed from a town in one county to a town, not chargeable with his support, in another county, and is there

necessarily relieved by the overseer of the poor of the town the expense incurred and the burden of thereafter maintaining the person is, as between that town and its county, a charge on the county, provided the overseer gives the superintendent of the poor of his county notice of the circumstances of the case, as provided by the statute. *Court of Appeals, October 7, 1890, Stillwell v. Coons*, 122 N. Y. 242-4.

If such denial be served by mail, received and retained by the plaintiff without objection, the service is sufficient. *Id.*; *Supreme Court, January, 1889, Stillwell v. Kennedy*, 51 Hun, 114.

Revised Statutes N. Y. pt. I, ch. 20, tit. I, § 31, provides that no person shall be removed as a pauper from any city or town to any city or town of the same or any other county, or from any county to any other county, but every poor person shall be supported in the county where he may be; that if he has gained a settlement in any town in such county he shall be maintained by such town; and that if he has not gained a settlement in the county in which he shall become poor, sick or infirm, he shall be supported and relieved by the superintendent of the poor at the expense of the county. Such statutes, as amended by Laws of New York, 1885, ch. 546, provide that any pauper, who shall, of his own accord, come or stray from one city, town or county, into any other city, town or county not legally chargeable with his support, shall be maintained by the superintendent of the county where he may be, and that by taking certain proceedings the liability of the county or town from whence he came for his support may be fixed, if such county is so liable. *Held*, that one who had always been able to support himself and family by manual labor, though the wages earned by him were not more than sufficient for that purpose, was not a pauper, within the meaning of the statute; and where, having been a resident of the city and county of New York he went to another county, and there met with an accident, which rendered him unable to support himself, the county from whence he came is not liable for his support. *Supreme Court, January, 1889, Wood v. Simmons*, 4 N. Y. Supp. 368; s. c. 51 Hun, 325.

§ 53. Neglect to contest.—If there shall be a neglect to take and remove such poor person, and to serve notice of such denial within the time above prescribed, the county superintendents and overseers, respectively, whose duty it was so to do, their successors, and their respective counties, cities or towns, shall be deemed to have acquiesced in the allegations contained in such first notice, and shall be forever precluded from contesting the same, and their counties, cities and towns, respectively, shall be liable for the expenses of the support of such poor person, which may be recovered from time to time, by county superintendents incurring such expenses, in the name of their county in actions against the county, city or town so liable.

§ 54. Actions, when and how to be brought.—Upon service of any such notice of denial, the county superintendents upon whom the same may be served, shall, within three months, com-



mence an action in the name of their county, against the town, city or county so liable for the expenses incurred in the support of such poor person, and prosecute the same to effect; if they neglect to do so, their town, city or county, shall be precluded from all claim against the town, city or county to whose officers such first notice was directed.

§ 55. Penalty for bringing foreign poor into this state.—Any person who shall knowingly bring or remove, or cause to be brought or removed, any poor person from any place without this state, into any county, city or town within it, and there leave or attempt to leave such poor person, with intent to make any such county, city or town, or the state, wrongfully chargeable with his support, shall forfeit fifty dollars, to be recovered by an action in a court of competent jurisdiction in the county, and in the name of the county, city or town into which such poor person shall be brought, and shall be obliged to convey such person out of the state, or support him at his own expense, and shall be guilty of a misdemeanor, and the court or magistrate before whom any person shall be convicted for a violation of this section shall require of such person satisfactory security that he will within a reasonable time, to be named by the court or magistrate, transport such person out of the state, or indemnify the town, city or county for all charges and expenses which may be incurred in his support; and if such person shall refuse to give such security when so required, the court or magistrate shall commit him to the common jail of the county for a term not exceeding three months.

Overseers of the poor, who have expended money, under an order for the maintenance of a pauper, cannot maintain an action on the case against the person who brought the pauper into the town, having no legal settlement in the state, for the amount so expended; but their remedy is under the statute to recover the penalty given in such case. *Supreme Court, May, 1814, Crouse v. Mabbett et al.*, 11 Johns. 167.

The penalty given by statute for bringing a poor, or indigent person, not having a settlement, into any city or town within this State without legal authority, is incurred as well by bringing such person from one town to another town within the State, as by bringing him from without the State. To subject a party to the penalty, it must be shown that he acted *mala fide*; it seems, that carriers of passengers are within the letter, but not within the spirit of the act, and cannot be charged, unless in bringing poor and indigent persons into a city or town, and leaving them there, they acted fraudulently. Proof by an inhabitant long a resident in the

town, that he had never known the pauper, is *prima facie* sufficient evidence that the pauper has not a legal settlement in the town. *Supreme Court, May, 1832, Thomas v. Ross & Shaw, 8 Wend. 672.*

§ 56. Poor children under sixteen years of age.—No justice of the peace, board of charities, police justice, or other magistrate, or court, shall commit any child under sixteen years of age, as a vagrant, truant or disorderly person, to any jail or county almshouse, but to some reformatory, or other institution, as provided for in the case of juvenile delinquents; and when such commitments are made, the justice of the peace, board of charities, police justice, or other magistrate or court making the same, shall immediately give notice to the superintendents of the poor or other authorities having charge of the poor of the county in which the commitment was made, giving the name and age of the person committed, to what institution, and the time for which committed; nor shall any county superintendents, overseers of the poor, board of charity, or other officer, send any child under the age of sixteen years, as a poor person, to any county almshouse, for support and care, or retain any such child in such almshouse, but shall provide for such child or children in families, orphan asylums, hospitals, or other appropriate institutions for the support and care of children as provided by law, except that a child under two years of age may be sent with its mother, who is a poor person, to any county almshouse, but not longer than until it is two years of age. The board of supervisors of the several counties, and board of estimate and apportionment of the county of New York, and the appropriate board or body in the county of Kings shall take such action in the matter as may be necessary to carry out the provisions of this section. When any such child is committed to an orphan asylum or reformatory, it shall, when practicable, be committed to an asylum or reformatory that is governed or controlled by persons of the same religious faith as the parents of such child.

This action was brought by the plaintiff, a corporation organized under the laws of this State for the care, education and support of poor orphan children, to recover the amount due it for supporting certain children between the age of two and sixteen years, residents of Long Island City, and whom it had received, cared for and supported, on authority of written orders given by the overseer of the poor of the defendant city.

*Held*, that the plaintiff was entitled to recover, as it had acted under the direction of an officer, who had full power to give such direction, and who

was compelled by law to furnish the support for such children outside of the poorhouse, and in an incorporated orphan asylum.

That, as the relief of the children was permanent and not temporary, the \$10 limitation imposed by section 42 of 2 Revised Statutes (7th ed., page 1861), did not apply to them. *Supreme Court, May, 1888, Nuns of St. Dominick v. Long Island City*, 48 Hun, 306.

Relator was a charitable institution incorporated under chap. 319, of 1848, and having the approval of the state board of charities under chap. 446, of 1883. Under the statutes and by commitments not in all respects perfect, children were sent to relator and its bills therefor audited by the supervisors; the defendant, county treasurer, refused to pay. *Held*, that the bills were a county charge and that the court would not here scrutinize the commitments with that care which it would exercise if the proceedings were a habeas corpus and the commitment were claimed to be illegal or insufficient. *Supreme Court, July 7, 1890, People ex rel. Mt. Magdalen School v. Dickson*, 32 St. Rep. 495; 57 Hun, 312; see *In re Jurisdiction*, 3 How. Pr. 39, 43, 44.

§ 57. If it shall at any time be ascertained that any person, who has been assisted by or received support from any town, city or county, has real or personal property, or if any such person shall die, leaving real or personal property, an action may be maintained in any court of competent jurisdiction, by the overseer of the poor of the town or city, or the superintendent of the poor of any county which has furnished or provided any such assistance or support, or any part thereof, against such person or his or her estate, to recover such sums of money as may have been expended by their town, city or county in the assistance and support of such person during the period of ten years next preceding such discovery or death. (*Added by chapter 664 of the Laws of 1901.*)

#### ARTICLE IV.

##### SUPPORT OF BASTARDS.

**Section 60.** Penalty for removing mother of bastard; how supported after removal.

61. Mother and child poor persons; proceedings against county or town from which she was removed.
62. Mother and bastard; how to be supported.
63. Mother and child not to be removed without her consent.
64. Overseers to notify superintendents of cases of bastardy; when county chargeable.

Section 65. Duty of superintendents to provide for mother and child.

66. Until taken charge of by superintendents, to be supported by overseers.
67. Overseers of towns to support bastard and mother, whether chargeable or not.
68. Moneys received by overseers from parents of bastard how applied, and accounted for.
69. When moneys received on account of bastard chargeable to county, how to be disposed of.
70. Disputes concerning settlement of bastard, how determined.
71. Proceedings when bastard is chargeable to another town.
72. Mode of ascertaining sum to be allowed for support of bastard.
73. When mother and child to be removed to county almshouse.
74. Compromise with father of bastard; when mother may receive money.
75. Compromise with putative fathers in New York.

Section 60. Penalty for removing mother of bastard; how supported after removal.—If the mother of any bastard, or of any child likely to be born a bastard, shall be removed, brought or enticed into any county, city or town from any other county, city or town of this state, for the purpose of avoiding the charge of such bastard or child upon the county, city or town from which she shall have been brought or enticed to remove, the same penalties shall be imposed on every such person so bringing, removing or enticing such mother to remove, as are provided in the case of the fraudulent removal of a poor person. Such mother, if unable to support herself, shall be supported during her confinement and recovery therefrom, and her child shall be supported, by the county superintendents of the poor of the county where she shall be, if no provision be made by the father of such child.

In bastardy cases the mother and child are deemed paupers, and the fact that the mother or child are likely to become chargeable to the county as paupers, gives the superintendents of the poor authority to institute

these proceedings. *Court of Appeals, January, 1885, Neary v. Robinson, 27 Hun, 145.*

§ 61. Mother and child poor persons; proceedings against county or town from which she was removed.—Such mother and her child shall, in all respects, be deemed poor persons; and the same proceedings may be had by the county superintendents to charge the town, city or county from which she was removed or enticed, for the expense of supporting her and her child, as are provided in the case of poor persons fraudulently or clandestinely removed; and an action may be maintained in the same manner for said expenses and for all expenses properly incurred in apprehending the father of such child, or in seeking to compel its support by such father or its mother.

§ 62. Mother and bastard; how to be supported.—The mother of every bastard, who shall be unable to support herself, during her confinement and recovery therefrom, and every bastard, after it is born, shall be supported as other poor persons are required to be supported by the provisions of this chapter, at the expense of the city or town where such bastard shall be born, if the mother have a legal settlement in such city or town, and if it be required to support its own poor; if the mother have a settlement in any other city or town of the same county, which is required to support its own poor, then at the expense of such other city or town; in all other cases, they shall be supported at the expense of the county where such bastard shall be born.

§ 63. Mother and child not to be removed without her consent.—The mother and her child shall not be removed from any city or town to any other city or town in the same county, nor from one county to any other county, in any case whatever, unless voluntarily taken to the county, city or town liable for their support, by the county superintendents of such county or the overseers of the poor of such city or town.

§ 64. Overseers to notify superintendents of cases of bastardy; when county chargeable.—The overseers of the poor of any city or town where a woman shall be pregnant with a child, likely to be born a bastard, or where a bastard shall be born, which child or bastard shall be chargeable, or likely to become chargeable to the county, shall, immediately on receiving information

of such fact, give notice thereof to the county superintendents, or one of them.

§ 65. Duty of superintendents to provide for mother and child.—The county superintendents shall provide for the support of such bastard and its mother, in the same manner as for the poor of such county.

§ 66. Until taken charge of by superintendents, to be supported by overseers.—Until the county superintendents take charge of and provide for the support of such bastard and its mother so chargeable to the county, the overseers of the poor of the city or town shall maintain and provide for them; and for that purpose, the same proceedings shall be had as for the support of a poor person chargeable to the county, who can not be conveniently removed to the county almshouse.

§ 67. Overseers of town to support bastard and mother whether chargeable or not.—Where a woman shall be pregnant with a child likely to be born a bastard, or to become chargeable to a city or town, or where a bastard shall be born chargeable, or likely to become chargeable to a city or town, the overseers of the poor of the city or town where such bastard shall be born, or likely to be born, whether the mother have a legal settlement therein or not, shall provide for the support of such child and the sustenance of its mother during her confinement and recovery therefrom, in the same manner as they are authorized by this chapter to provide for and support the poor of their city or town.

§ 68. Moneys received by overseers from parents of bastard, how applied and accounted for.—Where any money shall be paid to any overseer, pursuant to the order of any two justices, by any putative father, or by the mother of any bastard, the overseers may expend the same directly, in the support of such child, and the sustenance of its mother as aforesaid, without paying the same into the county treasury. They shall annually account, on oath, to the board of town auditors, or to the proper auditing board of a city, at the same time that other town or city officers are required to account for expenditures of all moneys so received by them, and shall pay over the balance in their hands, and under like penalties, as are provided by this chapter, in respect to the poor moneys in their hands.

§ 69. When moneys received on account of bastard chargeable to county; how to be disposed of.—All moneys which shall be ordered to be paid by the putative father, or by the mother of a bastard chargeable to any county, shall be collected for the benefit of such county; and all overseers of the poor, superintendents, sheriffs, and other officers, shall within fifteen days after the receipt of any such moneys, pay the same into the county treasury. Any officer neglecting to make such payment shall be liable to an action by and in the name of the county, for all moneys so received and withheld, with interest from the time of receipt, at the rate of ten per centum; and shall forfeit a sum equal to that so withheld, to be sued for and recovered by and in the name of the county.

§ 70. Disputes concerning settlement of bastard, how determined.—When a dispute shall arise concerning the legal settlement of the mother of a bastard, or of a child born or likely to be born a bastard, in any city or town, the same shall be determined by the county superintendents of the poor, upon hearing of the parties interested, in the same manner and with the same effect as they are authorized to determine the settlement of a poor person under this chapter.

(See notes under section 40, *ante*.)

§ 71. Proceedings when bastard is chargeable to another town.—When a bastard shall be born, or be likely to be born in a town or city, when the legal settlement of the mother is in another town or city of the same county, which is required by law to support its own poor, the overseers of the poor of the town or city where such bastard shall be born, or be likely to be born, shall give the like notice to the overseers of the town or city where the mother's settlement may be, as is required in the case of a person becoming a poor person, under the like circumstances, and the same proceedings shall be had, in all respects, to determine the liability of such town or city as in the case of poor persons.

The overseers of the town or city to which the mother of such bastard belongs may, before the confinement of such mother, or at any time after the expiration of two months after her delivery, if her situation will permit it, take and support such mother and her child.

If they omit to do so, and fail to obtain the determination of the county superintendents in their favor on the question of settlement, the town or city to which the mother belongs shall be liable to pay all the expenses of the support of such bastard, and of its mother during her confinement and recovery therefrom; which expenses, after being allowed by the county superintendents, shall be assessed, together with the lawful interest on the moneys expended, on the town or city to which such mother belongs, and shall be collected in the same manner as provided for poor persons supported under the same circumstances, and the moneys so collected, shall be paid to the county treasurer, for the benefit of, and to be credited to, the town which incurred such expenses.

§ 72. Mode of ascertaining sum to be allowed for support of bastard.—When any town is required to support a bastard, and its mother, whether the mother have a settlement in such town or not, and no moneys shall be received from the putative father or from the mother, to defray the expense of such support, the overseers of the poor shall apply to the supervisor of the town and obtain an order for the support of such bastard, and the sustenance of its mother during her confinement and recovery therefrom, and the sum to be allowed therefor, in the same manner as is required in the case of poor persons, and the moneys paid or contracted to be paid by the overseer, pursuant to such order, shall be paid by the county treasurer in the same manner as for poor persons, and be charged to the town to whose officers such payment shall be made.

§ 73. When mother and child to be removed to county almshouse.—If there be a county almshouse in any county where the towns are required to support their own poor, the overseers of the poor of a town where a bastard shall be born, or shall be likely to be born, may, with the approval of the county superintendents or any two of them, and when the situation of the mother will allow it, remove the mother of such bastard, with her child, to such almshouse, in the same manner as poor persons may be removed; the expenses of which removal shall be defrayed in like manner, and such mother and her child shall be considered as poor of the town so liable for their support, and the expense shall in like manner be estimated and paid.



§ 74. Compromise with father of bastard; when mother may receive money.—Superintendents and overseers of the poor may make such compromise and arrangements with the putative father of any bastard child within their jurisdiction, relative to the support of such child, as they shall deem equitable and just, and thereupon discharge such putative father from all further liability for the support of such bastard.

Whenever a compromise is made with the putative father of bastard child, the mother of such child, on giving security for the support of the child, and to indemnify the city and county or the town and county, from the maintenance of the child, to the satisfaction of the officers making the compromise, shall be entitled to receive the moneys paid by such putative father as the consideration of such compromise. If the mother of such child shall be unable to give the security, but shall be able and willing to nurse and take care of the child, she shall be paid the same weekly allowance for nursing and taking care of the child, out of the moneys paid by the father on such compromise, as he shall have been liable to pay by the order of filiation; such weekly sum to be paid the mother, may be prescribed, regulated or reduced, as in the case of an order of filiation.

An action will not lie by the county superintendents of the poor against the putative father of a bastard child on a promise to indemnify the county, made by him to the supervisor of the town in which the child was born, where it is not shown that the supervisor, in obtaining the promise, acted in the premises at the request or with the privity of the county superintendents. *Supreme Court, October, 1841, Birdsall v. Edgerton et al.*, 25 Wend. 619.

Money paid by a person charged as the father of an unborn bastard to the superintendent of the poor, upon a compromise, under the statutes, it may be recovered back upon its appearing that the supposed mother was not in fact pregnant. It is no defence by the superintendent that he paid the money into the county treasury, no expense having been incurred in the support of the expected child or mother. *Court of Appeals, September, 1862, Rheel v. Hicks*, 25 N. Y. 289.

§ 75. Compromise with putative fathers in New York.—The commissioners of public charities of the city of New York, or any two of them, may make such compromise and arrangements with the putative fathers of bastard children in said city, relative to the support of such children, as they shall deem equitable and just, and thereupon may discharge such putative fathers from all further liability for the support of such bastards.

## ARTICLE V.

## SOLDIERS, SAILORS AND MARINES.

## Section 80. Relief to soldiers and their families.

81. Post to give notice that it assumes charge.
82. Poor or indigent soldiers, et cetera, without families.
83. Burial of soldiers, sailors and marines.
84. Headstones to be provided.

Section 80. Relief to soldiers and their families.—No poor or indigent soldier, sailor or marine who has served in the military or naval service of the United States, nor his family nor the families of any who may be deceased, shall be sent to any almshouse, but shall be relieved and provided for at their homes in the city or town where they may reside, so far as practicable, provided such soldier, sailor or marine or the families of those deceased, are, and have been residents of the state for one year and the proper auditing board of such city or town in those counties where the poor are a county charge, the superintendent, if but one, or superintendents of the poor, as such auditing board in those counties shall provide such sum or sums of money as may be necessary to be drawn upon by the commander and quartermaster of any post of the Grand Army of the Republic of the city or town, made upon the written recommendation of the relief committee of such post; or if there be no post in a town or city in which it is necessary that such relief should be granted, upon the like request of the commander and quartermaster and recommendation of a relief committee of a Grand Army post located in the nearest town or city, to the town or city requested to so furnish relief, and such written request and recommendation shall be a sufficient authority for the expenditures so made. *(As amended by chapters 83 of the Laws of 1899, and 475 of the Laws of 1900.)*

The power to determine who are the indigent persons and families, the necessity for their relief, the measure thereof, the place where and the circumstances under which the same shall be administered, is not vested exclusively in a relief committee of a Grand Army post, but the proper officers of a town, city or county, having jurisdiction to raise and appropriate money for the relief of the poor, have jurisdiction and control over the same, and may determine the amount of money necessary.

The Grand Army post may apply to the auditing board of the municipality for such sum of money as it deems necessary for the purpose of the

act, and that board must exercise its judgment and discretion as to the amount to be appropriated; where it has so done its determination is final, and not subject to review by any court. *Court of Appeals, January, 1893, People ex rel. Crammond v. The Common Council*, 136 N. Y. 489.

§ 81. Post to give notice that it assumes charge.—The commander of any such post which shall undertake to supervise relief of poor veterans or their families, as herein provided, before his acts shall become operative in any town, city or county, shall file with the clerk of such town, city or county, a notice that such post intends to undertake such supervision of relief, which notice shall contain the names of the relief committee, commander, and other officers of the post; and also an undertaking to such city, town or county, with sufficient and satisfactory sureties for the faithful and honest discharge of his duties under this article; such undertaking to be approved by the treasurer of the city or county, or the supervisor of the town, from which such relief is to be received. Such commander shall annually thereafter, during the month of October, file a similar notice with said city or town clerk, with a detailed statement of the amount of relief requested by him during the preceding year, with the names of all persons for whom such relief shall have been requested together with a brief statement in each case, from the relief committee, upon whose recommendation the relief was requested, provided, however, that in cities of the first class said notice and said detailed statement shall be filed with the comptroller of such city, and said undertaking shall be approved by him, and provided further that in any city of the first class which is now or may hereafter be divided into boroughs, a duplicate of such notice and of such detailed statement shall be filed with the commissioner of charities for the borough in which the headquarters of such post is situated, and it shall be the duty of such commissioner to annually include in his estimate of the amount necessary for the support of his department such sum or sums of money as may be necessary to carry into effect the provisions of sections eighty, eighty-one, eighty-two, eighty-three and eighty-four of this act and the proper officers charged with the duty of making the budget of any such city shall annually include therein such sum or sums of money as may be necessary for that pur-

pose. Moneys actually laid out and expended by any such post for the relief specified in section eighty of this act shall be reimbursed quarterly to such post by the comptroller on vouchers duly verified by the commander and quartermaster of said post, showing the date and amount of each payment, the certificate of the post relief committee, signed by at least three members, none of whom shall have received any of the relief granted by the post for which reimbursement is asked, showing that the person relieved was an actual resident of such city, and that they recommended each payment, and the receipt of the recipient for each payment, or in case such receipt could not be obtained, a statement of such fact, with the reason why such receipt could not be obtained. Such vouchers shall be made in duplicate on blanks to be supplied by the comptroller and shall be presented to the commissioner of charities for the borough in which the headquarters of the post is situated, and if such commissioner is satisfied that such moneys have been actually expended as in said voucher stated, he shall approve the same, and file one of said duplicates in his office and forward the other to the comptroller, who shall pay the same by a warrant drawn to the order of the said commander. And provided further, that in any city, county or borough in which Grand Army posts have organized or may organize a memorial and executive committee, the latter shall be regarded as a post of the Grand Army of the Republic. And the chairman, treasurer or almoner and bureau of relief or relief committee referred to, shall exercise the same privileges and powers as the commander, quartermaster and relief committee of a post, on complying with the requirements of this and the preceding section. Wilful false swearing to such voucher shall be deemed perjury and shall be punishable as such.

Within thirty days after the passage of this act, any memorial and executive committee in any city, county or borough may file with the proper officers the notice mentioned in the preceding section and such officers are hereby empowered and it is hereby made their duty to estimate for, provide and raise, in the same manner as other local expenditures are estimated for, provided and raised, such sum or sums of money as may be necessary to carry into effect the provisions of this act during the year

eighteen hundred and ninety-nine, and such bureau of relief or relief committee shall be reimbursed for moneys expended by it upon compliance with the terms of this act. (*As amended by chapter 462 of the Laws of 1899.*)

A claim for relief, furnished to an indigent soldier, upon the recommendation of the relief committee of a Grand Army post, and the order of the officer of such post, was properly disallowed by the board of town auditors, where the alleged relief was furnished by two members of such relief committee. *Supreme Court, October, 1895, People ex rel. Hovey v. Leavenworth*, 90 Hun, 48; s. c. 69 St. Rep. 853.

§ 82. Poor and indigent soldiers, et cetera, without families.—Poor or indigent soldiers, sailors or marines provided for in this article, who are not insane, and who have no families or friends with whom they may be domiciled, may be sent to a soldiers' home. Any poor or indigent soldier, sailor or marine provided for in this chapter, or any member of the family of any living or deceased soldier, sailor or marine, who may be insane, shall, upon recommendation of the commander and relief committee of such post of the Grand Army of the Republic, within the jurisdiction of which the case may occur, be sent to the proper state hospital for the insane.

§ 83. Burial of soldiers, sailors or marines.—The board of supervisors in each of the counties shall designate some proper person or authority, other than that designated for the care of poor persons, or the custody of criminals, who shall cause to be interred the body of any honorably discharged soldier, sailor or marine, who has served in the military or naval service of the United States, or the body of the wife or widow of any soldier, sailor or marine, married to him previous to eighteen hundred and ninety, who shall die such widow, and who shall hereafter die without leaving means sufficient to defray his or her funeral expenses, but such expenses shall in no case exceed thirty-five dollars. If the deceased has relatives or friends who desire to conduct the burial, but are unable or unwilling to pay the charges therefor, such sum shall be paid by the county treasurer, upon due proof of the claim, and of the death and burial of the soldier, sailor or marine, or of the wife or widow of such soldier, sailor or marine to the person so conducting such burial. Such interment shall not be made in a cemetery

or cemetery plot used exclusively for the burial of poor persons deceased. (*As amended by chapter 24 of the Laws of 1900; and chapter 96 of the Laws of 1903.*)

§ 84. Headstones to be provided.—The grave of any such deceased soldier, sailor or marine shall be marked by a headstone containing the name of the deceased, and, if possible, the organization to which he belonged, or in which he served; such headstone shall cost not more than fifteen dollars, and shall be of such design and material as shall be approved by the board of supervisors, and the expense of such burial and headstone as provided for in this article, shall be a charge upon, and shall be paid by the county in which the said soldier, sailor or marine shall have died; and the board of supervisors of such county is hereby authorized and directed to audit the account and pay the expense of such burial in the same manner as other accounts against said county are audited and paid; provided, however, that in case such deceased soldier, sailor or marine shall be at the time of his death an inmate of any state institution, including state hospitals and soldiers' homes, or any institution supported by the state and supported at public expense therein, the expense of such burials and headstones shall be a charge upon the county of his legal residence.

## ARTICLE VI.

### STATE POOR.

Section 90. Who are state poor, and how relieved.

91. Notice to be given to county clerks of location of state almshouse.
92. State poor to be conveyed to state almshouses.
93. Punishment for leaving almshouse.
94. Expenses for support.
95. Duties of keeper; superintendent of state and alien poor to keep record of names.
96. Visitation of almshouses.
97. Insane poor.
98. Care of and binding out of state poor children.
99. Transfer to other states or countries.
100. Power of superintendent of state and alien poor.
101. Indian poor persons; removal to county almshouses.

**Section 102.** Contracts for support of Indian poor persons.

**103.** Expenses for support of Indian poor persons.

**104.** Duty of keepers; superintendent of state and alien poor to keep record.

§ 90. Who are state poor and how relieved.—Any poor person who shall not have resided sixty days in any county in this state within one year preceding the time of an application by him for aid to any superintendent or overseer of the poor, or other officer charged with the support and relief of poor persons, shall be deemed to be a state poor person, and shall be maintained as in this article provided. The state board of charities shall, from time to time, on behalf of the state, contract for such time, and on such terms as it may deem proper, with the authorities of not more than fifteen counties or cities of this state, for the reception and support, in the almshouses of such counties or cities respectively, of such poor persons as may be committed thereto. Such board may establish rules and regulations for the discipline, employment, treatment and care of such poor persons, and for their discharge. Every such contract shall be in writing, and filed in the office of such board. Such almshouses, while used for the purposes of this article, shall be appropriately designated by such board and known as state almshouses. Such board may, from time to time, direct the transfer of any such poor person from one almshouse to another, and may give notice from time to time to counties, to which almshouses they shall send poor persons.

§ 91. Notice to be given to county clerks of location of state almshouses.—Such board shall give notice to the county clerks of the several counties of the location of each of such almshouses, who thereupon shall cause such notice to be duly promulgated to the superintendents and overseers of the poor, and other officers charged with the support and relief of poor persons in their respective counties. A circular from the superintendent of state and alien poor appointed by such board shall accompany such notice, giving all necessary information respecting the commitment, support and care of the state poor in such almshouses, according to the provisions of this article.

§ 92. State poor to be conveyed to state almshouses.—County superintendents of the poor, or officers exercising like powers, on

satisfactory proof being made that the person so applying for relief as a state poor person, as defined by this chapter, is such poor person, shall, by a warrant issued to any proper person or officer, cause such person, if not a child under sixteen years of age, to be conveyed to the nearest state almshouse, where he shall be maintained until duly discharged, but a child under two years of age may be sent with its mother, who is a state poor person, to such state almshouse, but not longer than until it is two years of age. All testimony taken in any such proceeding shall be forwarded, within five days thereafter, to the superintendent of state and alien poor, and a verified statement of the expenses incurred by the person in making such removal, shall be sent to such superintendent. Such board shall examine and audit the same, and allow the whole, or such parts thereof, as have been actually and necessarily incurred; provided that no allowance shall be made to any person for his time or service in making such removal. All such accounts for expense, when so audited and allowed, shall be paid by the state treasurer, on the warrant of the comptroller, to the person incurring the same.

§ 93. Punishment for leaving almshouse.—An inmate of a state almshouse, who shall leave the same without being duly discharged, and within one year thereafter is found in any city or town of this state soliciting public or private aid, shall be punished by confinement in the county jail of the county in which he is so found, or in any workhouse of this state in such county, for a term not exceeding three months, by any court of competent jurisdiction; and it shall be the duty of every superintendent and overseer of the poor and other officers charged with the support and relief of poor persons, to cause, as far as may be, the provisions of this section to be enforced.

§ 94. Expenses for support.—The expenses for the support, treatment and care of all poor persons who shall be sent as state poor to such almshouses, shall be paid quarterly, on the first day of January, April, July and October in each year, to the treasurer of the county, or proper city officers incurring the same, by the treasurer of the state, on the warrant of the comptroller; but no such expenses shall be paid to any county or city, until an account of the number of persons thus supported, and the time that each



shall have been respectively maintained, shall have been rendered in due form and approved by the state board of charities.

§ 95. Duty of keepers; superintendent of state and alien poor to keep record of names.—The keeper or principal officer in charge of such almshouse shall enter the names of all persons received by him pursuant to this article, with such particulars in reference to each as the board, from time to time may prescribe, together with the name of the superintendent by whom the commitment was made, in a book to be kept for that purpose. Within three days after the admission of any such person, such keeper or principal officer shall transmit the name of such person, with the particulars hereinbefore mentioned, to the superintendent of state and alien poor; and notice of the death, discharge or absconding of any such person shall in like manner and within the time above named, be thus sent to such superintendent. Such superintendent shall cause the names of such persons in each such almshouse furnished as above provided for, to be entered in a book to be kept for that purpose in the office of such board, and he shall verify the correctness thereof by comparison with the books kept in such almshouse, and by personal examination of the several inmates thereof, and in any other manner the board may from time to time direct; and he shall furnish the board, in tabulated statements, on or before the second Tuesday in January, annually, the number of inmates maintained in each and all of such almshouses during the preceding year, the number discharged, transferred to other institutions, bound out or removed from the state, and the number who died or left without permission during the year, with such other particulars and information as the board may require.

§ 96. Visitation of almshouses.—The superintendent of state and alien poor shall visit and inspect each of such almshouses at least once in each three months, and at such other times as he may deem expedient, or as the board may direct. And he shall also visit and inspect all almshouses in which are Indians who are poor persons at least once a year. For the purposes of all such inspections, the superintendent shall possess all the powers of a member of the board and the further powers hereinafter mentioned. The officer in charge of each and every almshouse shall give to such superintendent free access to all parts of the grounds,

buildings, hospitals and other arrangements connected therewith, and to every inmate thereof, and extend to him the same facilities for the inspection of such almshouse and its inmates, as is required by law to be extended to such board of commissioners; and, in default thereof, such officer shall be subject to the same penalty as if access were denied to any member of the board. Such board shall also cause each of such almshouses to be visited periodically by some of its members, who shall examine into their condition and management, respectively, and make such report thereof to the board as may be deemed proper.

§ 97. Insane poor.—If any inmate of any such almshouse becomes insane, such superintendent of state and alien poor shall cause his removal to the appropriate state hospital for the insane, and he shall be received by the officer in charge of such hospital, and be maintained therein until duly discharged.

§ 98. Care and binding out of state poor children.—Such superintendent of state and alien poor shall cause the state poor children, under sixteen years of age, unless committed with the mother as hereinbefore provided by this chapter, to be maintained and cared for at such orphan asylums in this state as he may deem proper; and the expenses thereof shall be paid by the state treasurer on the certificate of such superintendent and the warrant of the comptroller. Such superintendent, in his discretion, may bind out a state poor orphan or indigent child which may be committed to any such state almshouse, or placed in any orphan asylum, if a male child under twenty-one years, if a female under the age of eighteen, to be clerks, apprentices or servants until such child, if a male, be twenty-one years old, or if a female, shall be eighteen years old, which binding shall be as effectual as if such child had bound himself with the consent of his parents or other legal guardian.

§ 99. Transfer to other states or countries.—When any person becomes an inmate of any such almshouse, and expresses a preference to be sent to any state or country where he may have a legal settlement, or friends willing to support him or to aid in supporting him, the superintendent of state and alien poor may cause his removal to such state or country, provided, in the judgment of the superintendent, the interest of the state and the welfare of such poor person will be thereby promoted.

§ 100. Powers of superintendent of state and alien poor.-- The superintendent of state and alien poor shall possess and exercise the like powers, and be subject to the like duties as to the state poor as superintendents of the poor exercise and are subject to in the care and support of county poor. In the absence or illness of the superintendent such powers and duties may be performed and discharged by any person appointed by the state board of charities for such purpose.

§ 101. Indian poor persons; removal to county almshouse.— Every Indian residing within this state or upon any of the Indian reservations of this state, who is a poor person within the meaning of this chapter, shall be maintained as provided in this article. Upon application being made by such Indian poor person to the superintendent of the poor of the county where such Indian resides, or to any other officer charged with the support and relief of the poor, and on satisfactory proof being made that such Indian is a poor person as defined in this chapter, such superintendent or other officer shall by warrant, cause such Indian to be conveyed to the almshouse of the county where such Indian resides where he shall be maintained at state expense. Immediately upon the removal of such Indian who is a poor person to such almshouse, all testimony taken and all facts relating thereto, together with a verified statement of the expenses incurred in making such removal, shall be transmitted to the state board of charities. Such board shall examine all matters relating thereto, and if satisfied that such removal was proper, and that the expenses thereof were actually and necessarily incurred, shall audit and allow the amount of such expenses, which when so audited and allowed, shall be paid by the state treasurer, on the warrant of the comptroller, to the person incurring the same.

If, however, it shall appear to the satisfaction of such superintendent that the Indian poor person making application for relief is in such physical condition as to make it improper to remove him to the almshouse, the superintendent may, subject to such rules and regulations as may be prescribed by the state board of charities, provide for the care and support of such Indian poor person, without removing him to the almshouse, and the expenses incurred in such care and support shall be paid by the state treasurer on the warrant of the comptroller, upon the order and

allowance thereof by the state board of charities as in cases of support of Indian poor persons in almshouses.

§ 102. Contracts for support of Indian poor persons.—The state board of charities, shall from time to time, on behalf of the state, contract with the proper officers of the county within which such Indians who are poor persons reside, on such terms and for such times as it may deem proper, for the reception and support in the almshouse of such counties of such Indians who are poor persons as may be committed thereto. Such board may establish rules and regulations for the discipline, treatment and care of such Indians and provide for their discharge. Every such contract shall be in writing and filed in the office of such board.

§ 103. Expenses for support of Indian poor persons.—The expenses for the support, treatment and care of all Indians who are poor persons and shall be sent to such county almshouse pursuant to this chapter, shall be paid quarterly on the 1st day of January, April, July and October in each year, to the treasurer of the county wherein such Indians are supported, by the state treasurer, on the warrant of the comptroller, but no such expenses shall be paid until an account of the number of Indians thus supported, and the time that each shall have been respectively maintained shall have been rendered in due form and approved by the state board of charities.

§ 104. Duty of keepers; superintendent of state and alien poor to keep record.—The keeper or principal officer in charge of such almshouse shall enter the names of all Indians committed thereto, with such particulars in relation thereto as the state board of charities may prescribe. Immediately upon the admission of any such Indian, such keeper or principal officer shall transmit by mail the names of such Indians, with the particulars hereinbefore mentioned, to the superintendent of state and alien poor; and notice of the death, discharge or absconding of any such Indian shall in like manner be transmitted to such superintendent. Such superintendent shall cause the names of such Indians in such county almshouse to be entered in a book to be kept for that purpose in the office of such board, and he shall verify the correctness thereof by comparison with the books kept in the almshouse by personal examination of such Indians or in such other manner as the board may direct; and he shall furnish the board in tabu-

lated statements, annually on or before the second Tuesday in January, the number of Indians maintained in all such county almshouses during the preceding year, the number discharged, bound out, removed from the state, and the number who died or left without permission during the year, with such other information as the board may require.

## ARTICLE VII.

### DUTIES OF STATE BOARD OF CHARITIES; POWERS OF STATE CHARITIES AID ASSOCIATION.

Section 115. Duties of State Board of Charities relating to the poor.

116. Visitation and inspection of almshouses.

117. Investigations by board or committee; orders thereon.

118. Almshouse construction and administration.

119. Duties of the attorney-general and district attorneys.

120. State, nonresident and alien poor.

121. Visits by the State Charities Aid Association.

Section 115. Duties of the State Board of Charities relating to the poor.—The State Board of Charities shall:

1. Investigate the condition of the poor seeking public aid and devise measures for their relief.

2. Administer the laws providing for the care, support and removal of state and alien poor and the support of Indian poor persons.

3. Advise the officers of almshouses in the performance of their official duties.

4. Collect statistical information in respect to the property, receipts and expenditures of all almshouses, and the number and condition of the inmates thereof.

§ 116. Visitation and inspection of almshouses.—Any commissioner or officer of the State Board of Charities, or any inspector duly appointed by it for that purpose, may visit and inspect any almshouse in this state. On such visits inquiry shall be made to ascertain:

1. Whether the rules and regulations of the board, in respect to such almshouse, are fully complied with.

2. Its methods of industrial, educational and moral training, if any, and whether the same are best adapted to the needs of its inmates.

3. The condition of its finances generally.

4. The methods of government and discipline of its inmates.

5. The qualifications and general conduct of its officers and employees.

6. The condition of its grounds, buildings and other property.

7. Any other matter connected with, or pertinent to, its usefulness and good management.

Any commissioner or officer of the board, or inspector duly appointed by it, shall have free access to the grounds, buildings, books and papers relating to such almshouse, and may require from the officers and persons in charge, any information it may deem necessary. Such board may prepare regulations according to \*age, and provide blanks and forms upon which such information shall be furnished, in a clear uniform and prompt manner for the use of the board; any such officer or inspector who shall divulge or communicate to any person without the knowledge and consent of such board, any facts or information obtained in pursuance of the provisions of this chapter, shall be guilty of a misdemeanor, and shall at once be removed from office. The annual reports of each year shall give the results of such inquiry, with the opinion and conclusions of the board relating to the same. Any officer, superintendent or employe of any such almshouse who shall wilfully refuse to admit any member, officer or inspector of the board, for the purpose of visitation and inspection, and who shall refuse or neglect to furnish the opinion required by the board, or any of its members, officers or inspectors, shall be guilty of a misdemeanor, and subject to a fine of one hundred dollars for each such refusal or neglect. The rights and powers hereby conferred may be enforced by an order of the supreme court after such notice as the court may prescribe, and an opportunity to be heard thereon, or by indictment by the grand jury of the county, or both.

§ 117. Investigations by board of committee; orders thereon.— The board may, by order, direct an investigation by a committee of one or more of its members, of the officers and managers

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\* So in original.

of any almshouse, or of the conduct of its officers and employes; and the commissioner or commissioners so designated to make such investigation may issue compulsory process for the attendance of witnesses and the production of books and papers, administer oaths, examine persons under oath, and exercise the same powers in respect to such proceedings as belong to referees appointed by the supreme court.

If it shall appear, after such investigation, that the inmates of the almshouse are cruelly, negligently or improperly treated, or inadequate provision is made for their sustenance, clothing, care and supervision, or other condition necessary to their comfort and well being, such board may issue an order in the name of the people, and under its official seal, directed to the proper officer of such almshouse, requiring him to modify such treatment or apply such remedy, or both, as shall therein be specified. Before such order is issued it must be approved by a justice of the supreme court, after such notice as he may subscribe, and an opportunity to be heard thereon, and any person to whom such an order is directed who shall wilfully refuse to obey the same shall, upon conviction, be deemed guilty of a misdemeanor.

§ 118. Almshouse construction and administration. — No almshouse shall be built or reconstructed, in whole or in part, except on plans and designs approved in writing by the state board of charities. It shall be the duty of such board to call the attention, in writing or otherwise, of the board of supervisors and the superintendent of the poor, or other proper officer, in any county, of any abuses, defects or evils, which, on inspection, it may find in the almshouse of such county, or in the administration thereof, and such county officer shall take proper action thereon, with a view to proper remedies, in accordance with the advice of such board.

§ 119. Duties of the attorney-general and district attorneys.—If, in the opinion of the state board of charities, or any three members thereof, any matter in regard to the management or affairs of any such almshouse, or any inmate or person in any way connected therewith, require legal investigation or action of any kind, notice thereof may be given by the board, or any three members thereof, to the attorney-general, who shall thereupon make inquiry and take such proceedings in the premises as he

may deem necessary and proper. It shall be the duty of the attorney-general and of every district attorney when so required to furnish such legal assistance, counsel or advice as the board may require in the discharge of its duties under this chapter.

§ 120. State, nonresident and alien poor.—The state board of charities, and any of its members or officers, may, at any time, visit and inspect any almshouse to ascertain if any inmates are state charges, nonresidents, or alien poor; and it may cause to be removed to the state or country from which he came, any such nonresident or alien poor found in any such almshouse.

§ 121. Visit by the State Charities Aid Association.—Any justice of the supreme court, on written application of the state charities aid association, through its president or other officer designated by its board of managers, may grant to such persons as may be named in such application, orders to enable such persons, or any of them, as visitors of such association, to visit, inspect and examine, in behalf of such association, any almshouse within the state. The person so appointed to visit, inspect and examine such almshouse and almshouses, shall reside in the county or counties from which such almshouse or almshouses receive their or some of their inmates, and such appointment shall be made by a justice of the supreme court of the judicial district in which such visitors reside. Each order shall specify the almshouse to be visited, inspected and examined, and the name of each person by whom such visitation, inspection and examination shall be made, and shall be in force for one year from the date on which it shall have been granted, unless sooner revoked.

All persons in charge of any such almshouse shall admit each person named in any such order into every part of such almshouse, and render to such person every possible facility to enable him to make in a thorough manner such visit, inspection and examination, which are hereby declared to be for a public purpose and to be made with a view to public benefit. Obedience to the orders herein authorized shall be enforced in the same manner as obedience is enforced to an order or mandate of a court of record.

Such association shall make an annual report to the state board of charities upon matters relating to the almshouse sub-



ject to its visitation. Such reports shall be made on or before the first day of November for each preceding fiscal year.

## ARTICLE VIII.

### MISCELLANEOUS PROVISIONS.

Section 130. Superintendents and overseers may redeem on sheriff's sale.

- 131. Redemption, how made.
- 132. Moneys therefor, and how paid.
- 133. When warrant of seizure may be discharged.
- 134. Boards of supervisors may abolish or revive distinction between town and county poor.
- 135. Overseers, when to pay money to county treasurer.
- 136. Invested town money.
- 137. Report by supervisors.
- 138. Register of sex and age.
- 139. Care of poor persons not to be put up at auction.
- 140. Reports of certain other officers.
- 141. Almshouse commissioners to report.
- 141-a. Reports with relation to children placed in family homes.
- 142. Report of state board of charities.
- 143. Supervisors may accept deed or conveyance.

Section 130. Superintendents and overseers may redeem on sheriff's sale.—County superintendents and overseers of the poor may redeem real property, which may have been seized by them pursuant to sections nine hundred and twenty-one to nine hundred and twenty-six of the code of criminal procedure, the same as judgment-creditors under sections fourteen hundred and thirty to fourteen hundred and seventy-eight of the code of civil procedure. No such redemption shall be made, unless at the time of such redemption the seizure of the property sought to be redeemed, shall have been confirmed by the county court of the county where the premises may be situated, nor unless such property shall, at the time of making such redemption, be held by the superintendents or overseers, under and by virtue of such seizure.

§ 131. Redemption, how made.—To entitle such superintendents or overseers to acquire the title of the original purchaser,

or to be substituted as purchaser from any other creditor, they shall present to and leave with such purchaser or creditor, or the officer who made the sale, the following evidence of their right:

1. A copy of the order of the county court, confirming the warrant and seizure of such property, duly verified by the clerk of the court:

2. An affidavit of one of the superintendents or overseers that such property is held by them under such warrant and seizure, and that the same have not been discharged, but are then in full force.

§ 132. Moneys, therefor, and how paid.—The superintendents or overseers of the poor may, for the purpose of making such redemption, use any moneys in their hands belonging to the poor funds of their respective towns or counties, which moneys shall be replaced, together with the interest thereon, out of the first moneys which may be received by them from the rent or sale of the premises so redeemed.

§ 133. When warrant of seizure may be discharged.—If such redemption shall be made, and the person against whom the warrant was issued and seizure made shall apply to have the warrant discharged, he shall, before such warrant and seizure are discharged, in addition to the security required to be given by section nine hundred and twenty-four of the code of criminal procedure, pay to such superintendents or overseers the sum paid by them to redeem such property, together with interest thereon, from the time of such redemption.

§ 134. Boards of supervisors may abolish or revive distinction between town and county poor.—The board of supervisors of any county may, at an annual meeting or at a special meeting called for that purpose, by resolution, abolish or revive the distinction between town and county poor of such county, by a vote of two-thirds of all the members elected to such board, and until such abolition or revival, such county, or the towns therein, shall continue to maintain and support their poor as at the time when this chapter shall take effect. The clerk of the board shall, within thirty days after such determination, serve, or cause to be served, a copy of the resolution upon the clerk of each town, village or city within such county, and upon each of the superintendents and overseers of the poor therein. Upon

filing such determination to abolish the distinction between town and county poor, duly certified by the clerk of the board, in the office of the county clerk, the poor of the county shall thereafter be maintained, and the expense thereof defrayed, by the county; and all costs and charges attending the examinations, conveyance, support and necessary expenses of poor persons therein, shall be a charge upon the county. Such charges and expenses shall be reported by the superintendent of the poor, to the board of supervisors, and shall be assessed, levied and collected the same as other county charges.

In order to render the expense of maintaining all the poor of the county a county charge pursuant to the above section, the board of supervisors must not only determine to abolish the distinction between county and town poor, but must file such determination with the county clerk. Until such determination be filed, the duties of the officers arising out of such change in the poor system do not attach. The service of the resolution of the board of supervisors on the town clerks is not essential to effect a change of system; the provision respecting such service is only directory. *Supreme Court, January, 1846, Thompson v. Smith*, 2 Den. 177.

In order to abolish the distinction between town and county poor, in a particular county, a resolution to that effect must be passed by the board of supervisors, and the same must be filed in the county clerk's office. *Supreme Court, January, 1854, Baldwin v. McArthur*, 17 Barb. 414.

The town is charged with the support of the poor, when there is no action taken by the supervisors to abolish the distinction between town and county poor, and a city stands under the poor laws in place of the town. *Supreme Court, May, 1888, Nuns of St. Dominic v. Long Island City*, 48 Hun. 306.

The act of 1882, ch. 28, making the town of Oswegatchie a separate and distinct poor district, did not operate as a repeal of the privilege extended to the supervisors of St. Lawrence county by the act of 1846, ch. 245, to adopt the "Livingston County Act" chap. 334, of 1845. *Court of Appeals, November, 1886, People v. Supervisors of St. Lawrence*, 103 N. Y. 541.

§ 135. Overseers, when to pay money to county treasurer.— Within three months after notice shall have been served upon the overseers of the poor, that the distinction between town and county poor has been abolished, they shall pay over all moneys which shall remain in their hands as overseers for the use of their town, after discharging all demands against them, to the county treasurer, to be applied by him toward the future taxes of such town; and all moneys thereafter received by them, as such overseers, for the use of the poor of their town, shall be paid by them to the county treasurer within three months after

receiving the same, and by him credited to the town whose overseer shall have paid the same. It shall be the duty of all officers or persons to pay to the county treasurer all moneys which shall be received for, or owing by them to the overseers of the poor of any such town, for the use of the poor thereof, pursuant to any law or obligation requiring the same to be paid to such overseers, and credited by such county treasurer to the town for whose use such moneys were received or owing. Any overseer or other person having received or owing such moneys, who shall neglect or refuse to pay the same within thirty days after demand thereof, shall be liable to an action therefor, with interest at the rate of ten per cent thereon, by such county treasurer, in the name of his county.

In counties where the poor are a county and not a town charge, money paid for either the permanent or temporary support of a pauper is the money of the county, and not of the town. Hence the town can have no right to recover it back from a person alleged to have obtained it fraudulently. *Supreme Court, April, 1867, Robins v. Woolcott, 66 Barb. 63.*

§ 136. Invested town money.—When any town shall have any moneys raised for the support of the poor, invested in the name of the overseers of the poor of such town, such overseers shall continue to have the control thereof, and shall apply the interest arising therefrom to the support of the poor of their town, so long as such town shall be liable to support its own poor, but when relieved from such liability by a vote of the supervisors of the county, the money so raised and invested shall be applied to the payment of such taxes upon the town, as the inhabitants thereof shall at an annual town meeting, or a special town meeting called for that purpose determine.

§ 137. Report by supervisors.—The supervisor of every town in counties where all the poor are not a county charge, shall report to the clerk of the board of supervisors, within fifteen days after the accounts of the overseers of the poor have been settled by the town board at its first annual meeting in each year, an abstract of all such accounts, which shall exhibit the number of poor persons that have been relieved or supported in such town the preceding year, specifying the number of county poor, and town poor, the whole expense of such support, the allowance made to overseers, justices, constables or other officers, which

shall not comprise any part of the actual expenses of maintaining the poor.

§ 138. Register of sex and age.—In addition to the general register of the inmates of the various almshouses, there shall be kept a record of the sex, age, birthplace, birth of parents, education, habits, occupation, condition of ancestors and family relations, and cause of dependence of each person at the time of admission, with such other facts and particulars in relation thereto as may be required by the state board of charities, upon forms prescribed and furnished by such board. Superintendents and overseers of the poor, and other officers charged with the relief and support of poor persons, shall furnish to the keepers or other officers in charge of such almshouses, as full information as practicable in relation to each person sent or brought by them to such almshouse, and such keepers or other officers, shall record the information ascertained at the time of the admission of such person, on the forms so furnished. All such records shall be preserved in such almshouses, and the keepers and other officers in charge thereof shall make copies of the same on the first day of each month, and immediately forward such copies to the state board of charities.

§ 139. Care of poor persons not to be put up at auction.—No officer or persons whose duty it may be to provide for the maintenance, care or support of poor persons at public expense, shall put up at auction or sale, the keeping, care or maintenance of any such poor person to the lowest bidder, and every contract which may be entered into in violation of this provision shall be void.

§ 140. Reports of certain other officers.—The provisions of this chapter, relating to reports by superintendents of the poor, to the state board of charities, and the penalties applicable thereto, are hereby extended to, and made applicable to the commissioners of public charities for the city and county of New York, the superintendent of the almshouse of the county of Albany, the keeper of the almshouse of the county of Putnam, the commissioners of the almshouse elected in the cities of Newburgh and Poughkeepsie, and all poor officials elected or appointed in other cities of this state, under general or special acts of the legislature.

§ 141. Almshouse commissioners to report.—The commissioners of the almshouse of the cities of Newburgh and Poughkeepsie, and the poor officers of other cities chosen under special acts of the legislature, shall annually, on the first day of December, report to the superintendent of the poor of their respective counties such statistics as, from time to time, may be required to be reported in the other cities and towns under the provisions of this chapter.

§ 141-a. Reports with relation to children placed in family homes.—The superintendents of the poor of counties, the overseers of the poor of cities and towns and all other public officers by whatsoever name or title known who are authorized by law to place out dependent children in family homes by adoption, indenture or otherwise, are hereby required to report to the state board of charities on blanks provided by such board, the particulars with relation to each child so placed out. Such report shall state the name, age and sex of the child so placed out, together with the father's full name and residence, the mother's full name and residence, and the religious faith of the parents. The report shall also state the full names and residence of the heads of the family with whom such child is placed, their relationship to the child, if any, the religious faith of the heads of such family, and their occupation or occupations, together with such further information as the state board of charities may require on the blanks provided. Such reports for the preceding month shall be filed with the state board of charities on or before the tenth day of each month. (*Added by chapter 273 of the Laws of 1905.*)

§ 142. Report of state board of charities.—The state board of charities shall include in its annual report to the legislature the results of the information obtained from the reports to be made to it as herein provided. It shall also, from time to time, furnish to the officials so required to report it, necessary forms, blanks and instructions required in making up such reports.

§ 143. The supervisor of a town may as such official accept a deed or conveyance of real property or mortgage thereon in behalf of the town, and sell and convey such real property or mortgage the same after the expiration of one year from the date of such conveyance or mortgage for the care and mainte-

nance of a poor person. No such deed or conveyance shall be accepted by him, unless by the written consent of the town board given at any regular meeting thereof. Such consent shall be filed in the office of the town clerk. The person or persons giving such deed or mortgage may within one year from the date of such conveyance or mortgage secure a conveyance or cancellation of said deed or mortgage upon payment to said supervisor of the expense incurred by such town for taxes and necessary repairs on said property and also in maintaining such person or persons. (*Added by chapter 117 of the Laws of 1902.*)

A bequest to a town in trust in perpetuity for the benefit of the poor of the town generally, not confined to those for whose support the town is under statutory liability, is invalid for want of an ascertained beneficiary. *Court of Appeals, February, 1891, Fosdick v. Hempstead*, 125 N. Y. 581; s. c. 35 St. Rep. 863; reversing s. c. 29 St. Rep. 545; 8 N. Y. Supp. 772; see s. c. 126 N. Y. 651.

## ARTICLE IX.

**LAWS REPEALED: WHEN TO TAKE EFFECT.**

**Section 150. Laws repealed.**

**151. When to take effect.**

Section 150. Laws repealed.—Of the laws enumerated in the schedule hereto annexed, that portion specified in the last column is repealed.

**§ 151. When to take effect.**—This chapter shall take effect on the first day of October, eighteen hundred and ninety-six.

## SCHEDULE OF LAWS REPEALED.

<b>Revised Statutes, part I, ch. 20, tit. I.....</b>		<b>All.</b>
<b>Revised Statutes, part I, ch. 20, tit. VI.....</b>		<b>All.</b>
<b>Laws of—</b>	<b>Chapter.</b>	<b>Sections.</b>
<b>1828.....</b>	<b>6.....</b>	<b>All.</b>
<b>1830.....</b>	<b>320.....</b>	<b>8, 9.</b>
<b>1831.....</b>	<b>277.....</b>	<b>All.</b>
<b>1832.....</b>	<b>26.....</b>	<b>All.</b>
<b>1834.....</b>	<b>236.....</b>	<b>All.</b>
<b>1838.....</b>	<b>202.....</b>	<b>All.</b>
<b>1842.....</b>	<b>214.....</b>	<b>All.</b>
<b>1845.....</b>	<b>334.....</b>	<b>All.</b>
<b>1846.....</b>	<b>245.....</b>	<b>All.</b>

Laws of—	Chapter.	Sections.
1848.....	176.....	All.
1849.....	100.....	All.
1851.....	532.....	All.
1853.....	70.....	All.
1854.....	188.....	All.
1855.....	269.....	All.
1862.....	473.....	All.
1870.....	424.....	All.
1872.....	38.....	All.
1872.....	48.....	All.
1873.....	661.....	All.
1874.....	464.....	All.
1875.....	140.....	All.
1875.....	173.....	All.
1875.....	308.....	All.
1876.....	266.....	All.
1878.....	404.....	All.
1879.....	240.....	All.
1881.....	203.....	All.
1881.....	398.....	All.
1881.....	574.....	All.
1883.....	247.....	All.
1884.....	319.....	All.
1885.....	34.....	All.
1885.....	546.....	All.
1887.....	216.....	All.
1887.....	655.....	All.
1887.....	706.....	All.
1888.....	261.....	All.
1888.....	486.....	All.
1890.....	420.....	All.
1892.....	698.....	All.
1893.....	42.....	All.
1894.....	436.....	All.
1894.....	663.....	All.
1895.....	783.....	All.



**SPECIAL STATUTES RELATING TO THE CARE OF  
THE POOR IN CERTAIN COUNTIES OF NEW YORK  
STATE.**

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**ALBANY COUNTY.**

AN ACT to provide for the care, transportation and commitment, and the payment therefor, of lunatics, idiots, persons of unsound mind, deaf-mutes, orphans and paupers, the expense of whose maintenance and transportation is a charge upon the county of Albany, and to define the duties of the superintendent of the almshouse in the city of Albany.

**Chapter 354. Laws of 1884.**

Section 1. It shall be the duty of the overseers of the poor of the several towns in the county of Albany, of the village of West Troy, and of the city of Cohoes and of the city of Albany, whenever any lunatic, idiot, person of unsound mind, deaf-mute, or pauper within the jurisdiction of such officers respectively shall be or become by law chargeable to the county of Albany and shall be lawfully committed to the almshouse or any asylum or other place provided for the safe keeping of such persons, to transport such persons (subject, in case of their sickness, lameness or other disability, to the provisions of section forty-two of title one of chapter twenty of part one of the Revised Statutes of this state) to the city of Albany, and deliver him or her to the superintendent of the almshouse in the said city, as hereinafter provided for. Whenever notified by any such overseer that any such person has or is about to arrive by any public conveyance at any place in the city of Albany, and whenever notified by the overseer of the poor of the city of Albany that any such person is within the said city it shall be the duty of the said superintendent to send for and cause such person to be transported to the almshouse in said city, or to the asylum or other place where he is lawfully committed, in a proper conveyance to be kept at such almshouse for that purpose.

§ 2. Whenever any child shall be or become in danger of becoming a charge upon the county of Albany, it shall be the duty

of the overseer of the poor having jurisdiction in the place of the residence for the time being of such child, to take such child before some magistrate, who shall examine such child and shall cause to appear before him and shall examine such other persons under oath as shall be acquainted with the parentage, condition and circumstances of such child, and shall ascertain among other things the full name, and the residence by town, village or city, and by road, street or street number if possible, of such child, his or her age, nationality, color and sex, the name of its father, his occupation or employment, and whether he be living or not, and if dead, the date of his death; the name of its mother and whether living or not and if dead the date of her death, the last residence and nationality of said father and mother, and the length of their residences in this county, and the present residence of such child and the person with whom he or she resides, and whether any person is properly chargeable with the expense of its support, and the reasons, if any, why such child is and should be a charge upon the county of Albany, and shall reduce such examination to writing, and cause the same to be subscribed by the person examined. It shall be the duty of such overseer in case any person be properly chargeable with the support of such child, and able to support it, to take proceedings to compel such person to provide therefor. In case no such person be so chargeable with the support of such child, the said magistrate shall deliver such examination so had before him and reduce to writing as aforesaid to the said overseer of the poor, who shall transmit the same to the superintendent of the almshouse. If such superintendent shall find that the expense of the support of such child is a proper charge against the county of Albany, he shall transmit to said overseer (except to the overseer of the poor of the city of Albany), a commitment in writing, committing such child to the almshouse or to some incorporated institution specially authorized by law to receive orphan poor, or in any case may temporarily receive such such\* child at the almshouse until a proper disposition can be made of it. The institution so to be selected shall, except under special and peculiar circumstances to be stated in the commitment, be one located in the county of Albany, and whenever practicable shall be one

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\* So in original.

governed or controlled by persons of the same religious faith as the parents of the child who may be committed thereto. If the child be over two years of age it shall not in any case be committed to the almshouse, nor shall any children committed to any asylum or other institution be transferred to any other asylum or institution without a written commitment to such other asylum or institution made by the superintendent of the almshouse. It shall be the duty of such overseer forthwith to transport such child to the almshouse or to such institution, and in the latter case to take from the proper authorities thereof a receipt in writing, stating the full name, sex and age, and date of receipt of such child. On presentation of such child at the almshouse or transmission of such receipt from such institution to the superintendent of the almshouse, he shall give or transmit to such overseer a receipt similar to the receipt mentioned in section three of this act, under which the said overseer shall be paid by the county treasurer of Albany county as hereinafter provided. All orders made by the superintendent of the almshouse for the commitment of orphan, destitute and dependent children to an orphan asylum, under the provisions of this act, shall lapse and become void on the first day of October next after the date on which they were issued, but the said superintendent may, within ten days next preceding the first day of October in any year, if on inquiry and investigation by him good and sufficient reasons therefor be found to exist, grant a new order of commitment authorizing the further detention and support of any such child in any orphan asylum for the period of one year from the expiration of his previous order.

§ 3. It shall be the duty of the said superintendent to give to the overseer of the poor for each person so received by him under section one of this act, and for each orphan committed under the provisions of section two of this act, a receipt stating the name of the said overseer, the name and last place of residence of the person received from such overseer or delivered by him at any asylum or other place, and the date of such receipt or delivery, and the number of miles properly traveled by any public conveyance, and the number of miles properly traveled by private conveyance by such overseer in bringing such person to the city of Albany, or to the asylum to which he or she is committed,

and the amount to which such overseer is entitled therefor at the rate of compensation therefor hereinafter stated. The said superintendent shall also in all cases make an entry of the aforesaid and of such other facts connected with the case as shall enable him to make the reports to the county treasurer and supervisors hereinafter mentioned, in a book or books of record to be kept by him for that purpose and which shall be and constitute public records.

§ 4. It shall be the duty of the county treasurer of the county of Albany to pay out of the county moneys in his hands, to the overseer of the poor, who shall present and file with him the aforesaid receipt of the superintendent of the almshouse, endorsed with a proper receipt subscribed by such overseer for the amount to be thus paid, and dated at the date of such payment the following sums and no other or different sums, to wit: For each mile traveled upon any public conveyance, the actual disbursements incurred in coming and returning, and for each mile necessarily traveled by any other mode of conveyance (other than the almshouse conveyance), where no mode of public conveyance exists, but not in any other case, the sum of fifty cents for each such mile, counting one way only, for the first ten miles, and for each mile in excess of such first ten miles, the sum of twenty-five cents per mile, counting one way only; and in addition, such overseer shall be paid for his services such per diem or other compensation by his town or city as he now may be by law entitled therefor. The overseer of the poor of the city of Albany shall not receive any compensation for any such services under this act. And any person mentioned in sections one and two of this act, who shall be or reside in the city of Albany, shall be transported and conveyed in accordance with the provisions of this act by the superintendent of the almshouse, and not by the overseer of the poor in said city.

The said county treasurer shall report to the board of supervisors of Albany county, at the opening of its annual session in each year, a statement in tabular form showing the facts stated in the receipts given by the said superintendent, and the dates of payment, and the payments thereunder up to November first, prior to such report.

§ 5. The superintendent of the almshouse to whom any such person mentioned in the first section of this act shall be so delivered, shall receive such person at the almshouse, and there safely keep him or her; and in a proper case where such commitment is authorized by law, may commit such person to any incorporated asylum authorized by law to receive such person, and shall cause such person to be taken to such asylum or other place, provided, however, and the said superintendent is hereby authorized and directed to exercise such reasonable discretion as to the time of transportation of such persons as shall enable him to collect together such reasonable number of such persons for transportation together, as shall lessen as much as possible the expense thereof. He shall also attend to the removal of lunatics, idiots, persons of unsound mind, and deaf-mutes from one asylum to another when such removal shall be authorized or required by law to be made. Hereafter no person being in indigent circumstances or a pauper shall be admitted to any hospital, asylum, institution, home or retreat in which the board, instruction, care, treatment or clothing of such person is a charge upon the county of Albany, except upon the written order or certificate of the superintendent of the almshouse, anything contained in any law of this state to the contrary notwithstanding.

§ 6. It shall be the duty of the superintendent to make diligent inquiry as to the antecedents and previous condition and residence of all persons delivered to him; and whenever it shall appear to said superintendent that any person sent to or confined in the almshouse in the city of Albany, or confined in any idiot, lunatic or orphan asylum at the expense of the county of Albany, is a state pauper or is properly chargeable to some county other than Albany county, it shall be the duty of the said superintendent, and he is hereby authorized and directed to adjudge such person to be a state pauper, or to take all proper proceedings to make his support chargeable to such other county.

§ 7. The said superintendent shall be allowed the sum of five hundred dollars each six months, beginning January first and July first in each year, for the payment of the services of the proper persons to transport the persons mentioned in sections

one and two of this act and to perform the clerical services hereby required, to be paid by the county treasurer of Albany county, on the requisition of such superintendent. The county treasurer shall also pay, on the requisition of such superintendent, not exceeding two hundred dollars for the purchase of a proper conveyance for the transportation of the said persons.

§ 8. The superintendent shall report on the first day of each February, May, August and November, in tabular form, to the county treasurer of Albany county, the name, sex, age, color and nationality of each lunatic, idiot, person of unsound mind, or deaf-mute received, or child committed by him under the provisions of this act, during the previous three months, the nature of the malady, if any, of such person, the overseer of the poor from whom such person was received, the place from which such person was brought, the date of such receipt, and the asylum or other place where such person is confined, and the disbursements, if any, attending the transportation of such person; and in the case of children committed to any asylum, the further facts shown by the examination before the magistrate mentioned in section two of this act. In addition to the above-mentioned report, the said superintendent, on the first day of November, in each year, shall make a similar tabular statement to the board of supervisors of Albany county, giving the names of all the persons confined at any time during such year, at whatever time they may have been committed, in which the names of the persons shall be placed under the names of the asylum or other places in which they shall be respectively confined; which statement shall contain all the matters and facts set forth in the aforesaid quarterly report; and, further, the date of the original commitment of such persons, the date of their discharge, if they be discharged during the year, and the length of time during the year that they have been confined, and the amount due to the institution or corporation in which they have been confined; which last-mentioned report of November first shall be filed with the clerk of the board of supervisors of Albany county, and be by him presented to said board at the opening of its then next annual session, and be printed in the proceedings thereof. The county treasurer shall examine, quarterly, an account of the dis-

bursements attending the transportation of the persons mentioned in section one of this act, which shall be made out in detail and verified by the superintendent of the almshouse in the form in which claims against the county of Albany, presented to the board of supervisors thereof, are required by law to be verified, and shall audit and allow the same at such sum as in his opinion shall be reasonable, and shall pay the amount so allowed by him from the county treasurer.

§ 9. It shall be the duty of all institutions and asylums receiving from Albany county any persons mentioned in sections one and two of this act to make report to the said superintendent, when required by him so to do, of any matters and facts relating to the confinement or condition of such persons. Any incorporated body in the county of Albany, over the management and affairs of which the state board of charities of the state of New York has jurisdiction and supervision, which shall have any claim against the county of Albany, for the board, support, maintenance or education of any child or children lawfully committed thereto, is hereby authorized to present to the county treasurer of Albany county a bill on the last day of each quarter for the amount of such claim during such quarter, in the same form and with the same verification as is required in the case of a like bill presented for audit to the board of supervisors of Albany county, and such bill, when duly certified to be correct by the superintendent of the almshouse of Albany county, shall be paid by the said county treasurer to the extent of seventy-five per centum of the amount so certified by said superintendent. The total amount of the claim against said county during each year must be presented to the board of supervisors for audit in the same manner as heretofore, and there must be credited upon such claim the payment or payments made as aforesaid. (*As amended by chapter 486 of the Laws of 1898.*)

§ 10. No person shall by a commitment to or residence in the almshouse, penitentiary or jail in the city of Albany gain a residence in the county of Albany, nor shall the time of his residence therein be considered in any case in determining his residence.

§ 11. Whenever it shall be made to appear or become known to any overseer of the poor or person charged with the duties of

overseer of the poor in any town, village or city in the county of Albany, or to the superintendent of the almshouse in the city of Albany, that any lunatic, idiot, person of unsound mind, deaf-mute, orphan or pauper, who is or has been supported or maintained, in whole or in part, by or at the expense of the county of Albany, is the owner or possessor of, or entitled to any property, right of action, claim or demand, or that such indigent person has died possessed thereof or entitled thereto, it shall be the duty of such superintendent of the almshouse, overseer of the poor, or other person, forthwith to notify in writing the county treasurer of the county of Albany of such fact.

And in such case such county treasurer shall take proceedings at law for the recovery of and shall be entitled to recover the amount theretofore expended by the county of Albany for or toward the support or maintenance of such lunatic, idiot, person of unsound mind, deaf-mute, orphan or pauper against the person, body or corporation having or holding, on behalf of such indigent person, such property, right of action, claim or demand, and to charge the same with and make suitable allowance and provision therefrom for the future support and maintenance of such indigent person. If, after inquiry, such county treasurer cannot find any person, body or corporation legally holding such property, right of action, claim or demand on behalf of such indigent person, it shall be his duty to present to a judge, or at a special term of the supreme court, a petition setting forth the facts, and thereupon, on notice to each indigent person and to any other person or persons, body or corporation, if any, as the judge or court shall order, to apply for and said court or judge is authorized to make an order directing said county treasurer to take into his custody and possession and hold any such property, right of action, claim or demand and any rents, income, interest or increase thereof, in trust for such indigent person, and to enforce in his name of office namely: "The county treasurer of the county of Albany———" his right to such custody and possession, and in like manner the amount due or secured to be paid by any such right of action, claim or demand as the same shall at any time or from time to time, mature and become due or payable. And the said county treasurer is hereby authorized and directed to take the same into his custody and possession,



and his receipt therefor shall be a sufficient discharge from liability to the party holding the same, and the judge or court may in such order or from time to time by any other or further order upon like notice direct that any money theretofore paid out by the county of Albany, for the maintenance or support of such indigent person, be repaid to the county out of his or her said property, and that proper provision for future support be made therefrom.

In case such indigent person shall die and no executor or administrator of his estate shall be appointed, the county treasurer of Albany county is authorized and directed to apply to the proper surrogate for letters of administration upon his or her estate, and shall be by said surrogate appointed; but no bond or obligation for the faithful performance of the duties of his trust shall be required of him. This section shall not apply to or affect the earnings, wages or salary of any such indigent person earned subsequent to the time that such indigent person ceases to be a charge upon such county.

If in any proceeding taken or had under this act, either or any party in interest shall demand a trial by jury of any issue or question involved, it shall be the duty of the judge or court to make an order directing that such issue or question be tried at the next circuit court of the supreme court held in his county and the same shall be there tried and disposed of and proper relief be there given. (*As amended by chapter 300 of the Laws of 1885; and chapter 387 of the Laws of 1886.*)

§ 12. It shall be the duty of the county treasurer of the county of Albany, to include in the county tax budget submitted by him each year to the board of supervisors of said county, and the duty of said board to levy by tax and collect from the taxable property of said county, and, when collected, the said county treasurer shall pay over to the overseer of the poor of each of the towns of Berne, Bethlehem, Coeymans, Guilderland, Knox, New Scotland, Rensselaerville, Westerlo, Colonie and Green Island, in the county of Albany, each year the sum of three hundred and ninety dollars to each, which sum shall be by said overseer expended in the relief of all persons whose care is chargeable to said county under the provisions of section twenty-three of chapter twenty-seven of the general laws, and the balance thereof shall be ex-

pending for the temporary relief of the poor of said town and shall be accounted for by the said overseer of the poor in like manner as he is now by law required to account for any temporary relief fund raised in said town. (*As amended by chapter 387 of the Laws of 1886; and chapter 708 of the Laws of 1897.*)

§ 13. (*Repealed by chapter 387 of the Laws of 1886.*)

§ 14. (*Repealed by chapter 387 of the Laws of 1886.*)

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#### COLUMBIA COUNTY.

AN ACT relating to the superintendent of the poor of the county of Columbia, defining his powers and duties, and regulating the exercise thereof in certain cases.

##### Chapter 275, Laws of 1885.

Section 1. In the county of Columbia the superintendent of the poor, who is to be elected in November next, and thereafter, shall also be the keeper of the almshouse and asylum for the insane, and the salary of such superintendent as superintendent of the poor and keeper of the almshouse and asylum for the insane, including the pay of a clerk to be employed by such superintendent, shall be fixed by the board of supervisors at their regular annual meeting before the newly elected superintendent of the poor shall enter in and upon the duties of his office, at a sum not exceeding eighteen hundred dollars (\$1,800) per annum, for and during his term of office. Such salary, when so fixed and determined, shall be in full compensation to said superintendent for all services rendered and expenses incurred by him except those described in section three of this act, and excepting the use for himself and family of that part of the almshouse known as the keeper's apartment, while he shall be keeper thereof, and also excepting the necessary food for the use of himself and family while such keeper. The said board of supervisors shall at such meeting fix and determine when and how such salary shall be payable in accordance herewith.

§ 2. The superintendent of the poor of said county shall, whenever directed so to do by resolution of the board of supervisors of said county, adopted by a majority vote of all members elected

thereto, purchase all such articles as may be necessary for the support and maintenance of the poor, and of all others in the public institutions of said county, which now are, or may hereafter be placed under charge of said superintendent, by contract or otherwise, as may be directed by said resolution, and if by contract, such resolution shall designate what notice shall be given of the letting of such contract, when, where, and in whose presence proposals shall be opened, and the amount of security to be given for the faithful performance of the contract, and the said board of supervisors shall designate in said resolution who shall award the contract, and whenever the board of supervisors of said county at any meeting lawfully assembled shall direct as to the time, manner and extent of the sales of personal property to be made by such superintendent. No sales shall be made by him of such property or any part thereof except in compliance with the directions so given.

§ 3. The actual and necessary expenses incurred by the superintendent of the poor of said county in the discharge of his official duties shall be audited and allowed to him by the board of supervisors of said county at their annual meeting upon the presentation of his bill therefor, duly itemized and verified.

§ 4. The superintendent of the poor of said county shall annually make and render, under oath to said board of supervisors a full detailed and itemized report of his receipts and disbursements as such superintendent, embracing therein in detail the products of the county farm of every name and nature and his disposition of the same, and the same shall be rendered within five days after the board of supervisors shall have convened in regular annual session by delivering the same to the clerk thereof. The failure of the superintendent to file such report or comply with any of the provisions of this act shall be deemed misconduct in office within the meaning of chapter one hundred and thirty-three of the laws of one thousand eight hundred and seventy-six.

§ 5. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

**DUTCHESS COUNTY.**

**AN ACT** to provide for the presentation of proper bills for the support of indigent insane, idiotic, deaf and dumb or blind persons to the county of Dutchess and the city of Poughkeepsie by institutions for their maintenance in the state of New York, and for the proper commitment of such persons.

**Chapter 465, Laws of 1885.**

**Section 1.** All institutions in the state of New York maintaining any insane, idiotic, deaf and dumb or blind persons, whose support is properly chargeable to the county of Dutchess, are hereby required to render to the county treasurer of said county, bills for the support of such persons only as are residents of and properly chargeable to the towns of said county, and to said county and to the city treasurer of the city of Poughkeepsie, bills only for persons residents of and properly charged to said city.

**§ 2.** The county judge and superintendents of the poor in said county are required to specify in the commitment of any insane, idiotic, deaf and dumb or blind person from said county, the town or ward from which such person is committed.

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**ERIE COUNTY.**

**AN ACT** for the support and relief of the poor, and for the government of the poor department in the county of Erie.

**Chapter 461, Laws of 1867.**

**Section 1.** There shall be elected at the next general election in the county of Erie, and in each third year thereafter, at the general election, one superintendent of the poor, to be chosen in the same manner as other county officers of said county, and whose term of office shall be three years, and shall commence on the first day of January next succeeding his election. The terms of office of the present superintendents of the poor of the said county, shall cease and determine on the first day of January next. The superintendent of the poor of said county shall take and file his oath of office in like manner as other county officers, before entering upon the performance of the duties of such office.

His salary shall be fixed by the board of supervisors of said county before his election, and shall not be increased or diminished during his term of office, and the same shall be a county charge. The superintendent of the poor of said county, hereafter to be elected, shall have and possess all the powers and authority and be subject to the same liabilities, pains and penalties as the superintendents of the poor of the said county now have and possess and are subject to under the present law, except as otherwise herein especially provided; and in case of any vacancy occurring in said office by death, resignation or otherwise, the board of supervisors of said county shall fill the vacancy until the next general election, when the vacancy shall be filled by the people choosing, in such election, some person to fill the same, in the same manner as the superintendent is originally chosen.

§ 2. There shall be elected at the general election in the county of Erie, in the year eighteen hundred and eighty-two, and in each third year thereafter, at the general election, a keeper of the poorhouse of said county, to be chosen in the same manner as other county officers of said county, and whose term of office shall be three years and shall commence on the first day of January, eighteen hundred and eighty-three. The term of office of the present keeper of the poorhouse shall cease and determine on the first day of January, eighteen hundred and eighty-three. The keeper of the poorhouse of said county shall take and file his oath of office in like manner as other county officers, before entering upon the performance of the duties of such office. His salary shall be fixed by the board of supervisors of said county before his election and shall not be increased or diminished during his term of office and the same shall be a county charge. In case of any vacancy occurring in said office by death, resignation or otherwise, the county judge of said county shall fill the vacancy until the next general election, when the vacancy shall be filled by the people. The said keeper shall have power and it shall be his duty—

1. To establish and ordain prudential rules, regulations and by-laws for the government and good order of the poorhouse, the county farm and property connected therewith in said county, and for the employment, relief, management and government of the persons therein placed; said rules, regulations and by-laws

shall be approved and sanctioned by the superintendent in writing, and a copy thereof, with such approval, shall be filed with the clerk of the board of supervisors.

2. The said keeper shall in each and every year, at the first day of the annual session of the board of supervisors, furnish to and file with the said board a full, true, and correct inventory of all the goods, furniture, farming utensils, stock and property of every name, kind and nature belonging to the said county or in its use, on or connected with the poorhouse, or the poorhouse farm, which said inventory shall specify each article and its estimated value, as near as may be, and shall be verified by his oath, and a duplicate thereof shall be kept by him at the poorhouse in a book of invoices, and shall be open for inspection to any taxable inhabitant of said county at all reasonable hours.

3. To purchase the furniture, implements, materials and supplies that shall be necessary, from time to time, for the maintenance of the poor therein, and to employ such help to carry on the business of the poorhouse as shall be necessary in addition to the labor of the paupers.

4. To certify the amount due to any person for bringing paupers to the poorhouse, which amount shall be paid by the county treasurer on the production of such certificate, countersigned and allowed by the superintendent of the poor.

5. To draw on the county treasurer, from time to time, for all necessary expenses incurred by him in the discharge of his duties, to be paid by the treasurer out of any money in his hands for the support of the poor.

6. To keep a book or books, in which shall be entered a correct and full statement of all purchases, contracts, sales and expenditures made by him as such keeper, which book or books shall be open for the inspection of any taxable inhabitant of the county, at all reasonable hours, and which book or books and the vouchers for such expenditures shall be exhibited by him to the board of supervisors at each annual meeting of the board, and at any special meeting thereof when he shall be called upon by resolution so to do.

7. And the said keeper shall, at each annual meeting of the board of supervisors and whenever called upon so to do, render to the said board a full, just and correct account in writing and

in detail, of all expenditure made by him and of his doings as such keeper; the amount and value of the products of the labor of the paupers, and of the produce of the farm, and the name of every person to whom any draft on the county treasurer shall have been given by him, the amount of the same, together with a statement of what the allowance was made for and the price or sum allowed for the service or article for which such allowance was made; which statement shall be verified by the oath of the said keeper, and shall be filed with the clerk of the board of supervisors.

8. He shall also furnish to the board of supervisors, on or before the third week of the annual session of said board, in each year, a detailed statement of all outstanding indebtedness or liability against said poorhouse, belonging to his department, and a failure to furnish such statement or the willful omission of any liability or indebtedness from such statement shall be deemed a misdemeanor, and on conviction shall be punishable by fine not exceeding two hundred dollars, or by imprisonment not exceeding one year, or by both such fine and imprisonment. (*As amended by chapter 164 of the Laws of 1873, and chapter 363 of the Laws of 1880.*)

§ 3. Said keeper before entering upon the duties of his office shall execute to the treasurer of said county, a bond in such penalty and with such sureties to be approved by a judge of the supreme court, as shall be determined by the board of supervisors, conditioned for the faithful performance of his duties as such keeper, and the proper application of all money and property coming into his custody as such keeper, and for the due accounting for the same, which bond shall be filed with the county treasurer; and in case of default in the conditions thereof, or in any of them, the said treasurer is authorized and required to prosecute the same to judgment and execution, and all moneys collected thereon shall be paid into the county treasury for the support of the poor of said county.

§ 4. The present superintendents of the poor of Erie county, shall make or cause to be made, and filed with the clerk of the board of supervisors at the next annual meeting of the said board, and on the first day thereof, a full, just and accurate inventory of all the goods, furniture, farming utensils, stock and property

of every name and nature belonging to the said county, and connected with the said poorhouse or poorhouse farm at that time in the same manner specified in subdivision second or section second of this act, which shall be in like manner verified by the oath of the said superintendents, and the said superintendents shall in like manner, file with the said board, at the same time a full and detailed account of all expenditures made by the said superintendents during the year next preceding, and shall at the same time exhibit their vouchers for the same, and of all their receipts as such superintendents, with a statement of the sources respectively whence the same were derived, and a statement of the produce of the farm, and of the labor of the inmates of the poorhouse, which account shall be verified by oath in like manner as the inventory last aforesaid.

AN ACT to regulate the commitment of poor persons to the Erie county almshouse.

Chapter 461, Laws of 1896.

Section 1. When any person shall apply for relief to any overseer of the poor in the county of Erie, such overseer shall inquire into the circumstances of the applicant. If it shall appear that the applicant is such an indigent, poor person as to require commitment to the Erie county almshouse, the overseer shall deliver or send said person to the superintendent of the poor of the county of Erie, at his office in the city of Buffalo, New York, with a communication in writing stating the facts and circumstances concerning the said applicant, and also giving his reasons why such commitment should be made. Thereupon the superintendent of the poor shall also, upon his part, examine into the facts and circumstances connected with the condition of said applicant, and if in his judgment such commitment is proper, he shall make an order committing said person to the Erie county almshouse. The expense of conveying said person to the office of the superintendent of the poor shall be borne by the town or locality upon which said applicant is a charge.

§ 2. The keeper of the Erie county almshouse shall not receive any person as an inmate of said institution, except upon the written order of the superintendent of the poor of Erie county.



§ 3. All acts and parts of acts inconsistent with this act are hereby repealed.

AN ACT in relation to habitual drunkards, vagrants and prostitutes in the county of Erie.

Chapter 552, Laws of 1875.

Section 1. Whenever any prostitute, female vagrant or habitual drunkard in the county of Erie, between the ages of fourteen and thirty years, shall be arrested and brought before the police justice of the city of Buffalo, or any of the justices of the peace in the city of Buffalo, and shall profess a desire to reform, such police justice or justice of the peace, may in his discretion, make an order, committing such female to the care, custody and instruction of the managers of The Asylum of Our Lady of Refuge, or the Ingleside Home of the city of Buffalo, for such period of time as may be authorized by law for the punishment of such prostitute, vagrant and habitual drunkard, but no person shall be committed to the said The Asylum of Our Lady of Refuge or Ingleside Home without the written consent of such person, and such committing magistrate shall forthwith make and file a copy of such commitment in the clerk's office of Erie county; it shall also be the duty of the county clerk of said county to make a report of such commitments filed in his office during the preceding year, to the board of supervisors of said county at their annual meeting.

§ 2. Whenever any person committed as aforesaid, shall become disorderly, disobedient or ungovernable, the said managers are hereby authorized to return such person to the committing magistrate or police justice, to be disposed of by due course of law.

§ 3. The city of Buffalo shall pay to the managers of the said The Asylum of Our Lady of Refuge and the Ingleside Home of the city of Buffalo, such sum not exceeding one dollar and fifty cents per week as the board of supervisors shall determine, for the maintenance of each and every person who shall be committed to said institutions under and in pursuance of this act; and the accounts of said managers for such support and maintenance shall be audited, and the payment thereof provided for, in the same manner as for other accounts against the city.

AN ACT fixing the compensation of the superintendent of the poor of the county of Erie and of his subordinates.

Chapter 604, Laws of 1906.

Section 1. The superintendent of the poor of the county of Erie shall receive an annual salary of forty-two hundred dollars, payable bimonthly, in full of all the services and duties performed by him as superintendent of the poor of the county of Erie. Hereafter it shall be unlawful for the superintendent of the poor of the county of Erie to ask, charge or receive any compensation, fee or emolument for any act or duty performed by him as such superintendent of the poor of Erie county other than the compensation specified in this act.

§ 2. The superintendent of the poor of Erie county shall appoint, and may at pleasure remove, a deputy superintendent of the poor who shall receive an annual salary of eighteen hundred dollars, payable bimonthly; an inspector, who shall receive an annual salary of thirteen hundred dollars, payable bimonthly; a record clerk, who shall receive an annual salary of fourteen hundred dollars per year, payable bimonthly; and a secretary, who shall receive an annual salary of one thousand dollars per year, payable bimonthly.

§ 3. No appointee or employee of the office of the superintendent of the poor of Erie county shall receive any compensation, fee or emolument for any duty or act done or performed by him in connection with his office other than the compensation specified in section two of this act. The board of supervisors of the county of Erie shall make provision in the annual budget for the payment of the salaries herein mentioned.

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FULTON COUNTY.

AN ACT for the care and support of the poor in the county of Fulton.

Chapter 155, Laws of 1886.

Section 1. All the paupers who are now inmates, and whose names appear on the books kept at the poorhouse, in the county of Fulton, shall be county paupers as long as they shall remain *continuously* at said poorhouse; if any of the said paupers shall

be discharged by the superintendent of the poor of said county, or shall voluntarily leave and cease to be supported at said poorhouse, said paupers' names shall be stricken from the books at the poorhouse, and shall thereafter cease to be county paupers, unless they are returned to said poorhouse within a period of one year. All the cost and expenses for the care, support and maintenance of said county paupers shall be a county charge and shall be paid by the county of Fulton. All the paupers who are legally admitted to the poorhouse in said county after the passage of this act (except as above mentioned) shall be town paupers, and all the cost and expense for the care, support and maintenance of such town paupers shall be charged to and paid by the town from which the said paupers were sent.

§ 2. The superintendent of the poor shall, within ten days after the passage of this act, determine and designate, by name, all paupers who are supported and maintained at said poorhouse at the passage of this act, from each of the towns in said county; said names shall be filed in the office of the county clerk of said county, and recorded in the book of miscellaneous records. The superintendent of the poor shall send a list of the names to the supervisor of each town in said county of all the paupers supported and maintained at said poorhouse sent from their respective towns; said list, if correct, shall be indorsed with the approval of the supervisor of said town, and filed in the office of the town clerk of said town.

§ 3. All the cost and expense for the care, support and maintenance of all the poor outside of the poorhouse who are now or who may hereafter become a public charge in said county, and all the permanent, temporary and transient relief shall be a charge against the city or town where the commissioner of charities or supervisor granting the relief resides, and where such expense shall have accrued, except as hereinafter provided, and all such expense shall be audited exclusively by the common council of said city and the board of town auditors of said town, and shall be audited and paid in the same manner as other city and town charges are audited and paid. The board of supervisors of the county of Fulton is hereby prohibited from auditing, allowing or paying any account of any person or officer, for the care, support and maintenance of the poor in said county,

or for permanent, temporary or transient relief, or the expense of granting the same, except such accounts as are by law chargeable to the said county. Any person who shall send, remove or entice to remove, or bring, or cause to be sent, removed or brought, any poor or indigent person, from any city or town of said county, to any other city or town of said county, or from any other county, or any city or town of any other county, to any city or town of said county, without legal authority, and there leave such person, for the purpose of avoiding the charge of such poor or indigent person upon the city, town or county from which he is so sent, removed or brought or enticed to remove, shall forfeit fifty dollars, to be recovered by and in the name of the town or city of said county to which such poor person shall be sent, brought or removed, or enticed to remove, and shall be guilty of a misdemeanor. A poor person so removed, brought or enticed, or who shall of his own accord come or stray from one city or town of said county into any other city or town of said county, or from any other county, or any city or town of any other county, into any city or town of said county not legally chargeable with his support, shall be maintained by the commissioner of charities of the city or the supervisor of the town where he may be. They may give notice to either of the overseers of the poor of the town or city from which he was brought or enticed, or came as aforesaid, if such town or city be liable for his support, and if there be no town or city in the county from which he was brought or enticed or came liable for his support, then to either of the county superintendents of the poor of such county, within ten days after acquiring knowledge of such improper removal, informing them of such improper removal, and requiring them forthwith to take charge of such other person. If there be no overseers or superintendents of the poor in such town, city or county, such notice shall be given to the person, by whatever name known, who has charge and care of the poor in such locality. The county superintendents or overseers, or other persons, to whom such notice may be directed, may, after the service of such notice, take and remove such poor person to their county, town or city, and there support him, and pay the expense of such notice, and of the support of such person; or they shall, within thirty days after

receiving such notice, by a written instrument under their hands, notify the commissioner of charities of the city or supervisor of the town from whom such notice was received, that they deny the allegation of such improper enticing or removal, or that their town, city or county is liable for the support of such poor person. If there shall be a neglect to take and remove such poor person and to serve notice of such denial within the time above prescribed, the county superintendents and overseers or other persons, respectively, whose duty it was to do so, their successors, and their respective counties, cities or towns, shall be deemed to have acquiesced in the allegation contained in such first notice and shall be forever precluded from contesting the same, and their counties, cities and towns, respectively, shall be liable for the expenses of the support of such poor person, which may be recovered from time to time, by the commissioner of charities or supervisor incurring such expenses, in the name of his city or town in actions against the county, city or town so liable. Upon service of any such notice of denial, the commissioner of charities or supervisor upon whom the same shall be served, shall, within three months, commence an action in the name of his city or town, against the town, city or county so liable for the expenses incurred in the support of such poor person, and prosecute the same to effect; if they neglect to do so, their city or town shall be precluded from all claim against the town, city or county to whose officers such first notice was directed. (*As amended by chapter 323 of the Laws of 1903, and chapter 751 of the Laws of 1904.*)

§ 4. The supervisors of the several towns in said county shall, by virtue of their office, act as and be overseers of the poor in their respective towns and they shall have all the powers and perform all the duties that the law now confers, or may hereafter confer, by any general act upon overseers of the poor of the several towns in this state, not inconsistent with any of the provisions of this act; and they shall be subject to all the liabilities, penalties and conditions that overseers of the poor who are elected or appointed pursuant to this act are subject to. (*As amended by chapter 138 of the Laws of 1898.*)

§ 5. (*Repealed by chapter 138 of the Laws of 1898.*)

§ 6. (*Repealed by chapter 138 of the Laws of 1898.*)

§ 7. The supervisors of the several towns in said county shall not be interested, directly or indirectly, in any contract for the care, support and maintenance of the poor at the poorhouse, or in supplies furnished, contracted for or ordered for said poorhouse, or to any person for permanent or temporary relief. The supervisors in the several towns in said county shall grant all the relief outside of the poorhouse for the care, support and maintenance of all the poor in their respective towns, and shall grant permanent, temporary or transient relief at such times, in such sums, and in such quantities as they shall deem necessary, and no other person or officer shall grant any relief for the care, support or maintenance of the poor, or for permanent or temporary relief in any town in said county, or exercise such powers, or discharge such duties, but the supervisors of the several towns shall have all the powers and perform all the duties that the law now confers, or may hereafter confer by any general act upon overseers of the poor of the several towns in this state, not inconsistent with any of the provisions of this act, and they shall be subject to all the liabilities and penalties that overseers of the poor of the several towns in this state are now or may hereafter be subject to. The supervisors in the several towns in said county shall have power to administer an oath to any person applying for relief as to any matters pertaining to or relating to the application for relief. (*As amended by chapter 138 of the Laws of 1898.*)

§ 8. On the first Tuesday of February in the year eighteen hundred and ninety-eight, and each year thereafter, the town board or a majority of the officials composing said board, of each of the several towns in the county of Fulton, shall meet in their respective towns and fix the amount of the compensation of the supervisor of their respective towns for the ensuing year. The compensation so fixed by the several town boards shall not be increased or diminished during the year and shall be in full payment and compensation for all the services rendered by said supervisor acting as overseer of the poor in and for their respective towns. (*As amended by chapter 138 of the Laws of 1898.*)

§ 9. It shall be the duty of each supervisor in each town in said county, to enter in a book (to be furnished by the town) to be by him kept for that purpose, the names of all persons who shall apply to him for relief, with the date of such application and his decision in each case, whether sent to the poorhouse permanently or temporarily, relieved or application refused, together with an account of all sums by him expended in the relief of each indigent or poor person and family and the number of persons relieved in each family, to whom paid, of all orders granted, to whom given and upon whom drawn. Such book shall at all times be open to the inspection of any taxable inhabitant of the town. The supervisors shall at the time when town poor accounts are audited, present to the board of town auditors of their respective towns, the book or books (as above required to be kept) for their use and information in auditing and allowing of such accounts for the care and support of the poor of said town. (*As amended by chapter 138 of the Laws of 1898.*)

§ 10. (*Repealed by chapter 138 of the Laws of 1898.*)

§ 11. All the cost and expense of conveying to the asylums, and the cost of the keeping of the insane, and all other persons in the asylums who are by law a public charge upon the county of Fulton, also the fees of the physician examining such insane, shall be audited by the board of supervisors and charged to said county. All the cost and expense of conveying paupers from any town in said county to the poorhouse shall be a town charge, and shall be audited exclusively by the board of town auditors and paid by the town from which they are sent.

§ 12. The superintendent of the poor of said county shall annually on or before the tenth day of January appoint a physician to the poorhouse by a written instrument under his hand which shall be filed and recorded in the office of the clerk of the county. Such physician shall receive a salary of two hundred and fifty dollars per annum, which shall be a county charge and be payable quarterly as the salaries of other county officers are paid, and shall be in full compensation for all services rendered by said physician and for all medicines used or necessary to be used or furnished at the said poorhouse. (*As amended by chapter 751 of the Laws of 1904.*)

§ 13. (*Repealed by chapter 138 of the Laws of 1898.*)

§ 14. The superintendent of the poor in the county of Fulton shall not grant any relief outside of the poorhouse, or in any town or city in said county, either for the care, support or maintenance of the poor, or for permanent or temporary relief. The superintendent of the poor, or the keeper of the poorhouse, in said county shall not receive or maintain, at the expense of the county, or of any town or city in said county any pauper or tramp without a written order from the supervisor of one of the towns of said county, or from the commissioner of charities of one of the cities of said county; all such orders shall be filed in the office of the superintendent of the poor of said county. The superintendent of the poor of said county may appoint a matron to the poorhouse, but the said matron shall not be one of the superintendent's family or any relative of the superintendent of the poor of said county, or of his wife. The board of supervisors of said county, shall fix the compensation of the matron to said poorhouse, but such compensation shall not exceed the sum of five dollars per week and her board. (*As amended by chapter 138 of the Laws of 1898.*)

§ 15. At the general election held in the county of Fulton in the year eighteen hundred and eighty-six, and at the general election held in said county in every third year thereafter, there shall be elected by the electors of said county, in the same way and manner as other county officers are now required by law to be elected, a superintendent of the poor of said county. The term of office of such superintendent of the poor so elected shall be for three years from and shall commence on the first day of January next succeeding such election; and every superintendent of the poor elected pursuant to this act shall exercise all the powers, and discharge all the duties now by law exercised and discharged by superintendents of the poor, except such powers and duties as are inconsistent with this act, and shall also be subject to the same liabilities and penalties that superintendents of the poor are now by law subject to.

§ 16. Every superintendent of the poor elected pursuant to this act shall reside at the poorhouse, and be the keeper thereof, and shall receive an annual salary of twelve hundred dollars,



which shall be a county charge and be payable quarterly as the salaries of other county officers are paid; he shall also be entitled to food, lights and fuel for himself and family at the poorhouse residence, which shall be furnished at the expense of the county. Said salary and compensation shall be in full payment for all the services now required by law or which may hereafter be required by law to be rendered by him as such superintendent of the poor and keeper of the poorhouse, and shall include all fees, charges and expenses for services rendered or incurred in proceedings for the care and commitment of insane persons which are or may be a charge against said county, and such salary or compensation shall not be increased or diminished during the term of office of any such superintendent of the poor. (*As amended by chapter 751 of the Laws of 1904.*)

§ 17. Whenever a vacancy shall occur in the office of superintendent of the poor of said county, the board of supervisors thereof, at an annual meeting or a special meeting called for that purpose, shall appoint some person to fill such vacancy, who shall hold his office during the remainder of the term, and shall, before entering upon his duties, give a bond, such as is required by law from superintendents of the poor, except that it shall be approved by the county judge of said county; said bond, with the approval aforesaid indorsed thereon, shall be filed within five days after such approval in the office of the clerk of said county.

§ 18. No superintendent of the poor of the county of Fulton shall be directly or indirectly interested in any goods, wares or merchandise, provisions, clothing or any other article or thing whatever furnished, ordered or contracted for by him for the use of or at the poorhouse or the poor therein.

§ 19. The superintendent of the poor of said county shall, in each year, render, under oath, to the board of supervisors of said county, at its annual meeting, a true and full statement of all moneys received by him from said county, or from any source, for the benefit of the county, of all the products raised on the county farm belonging to the said county poorhouse, and of all supplies purchased, ordered or contracted for by him, and of the disposition which has been made of the same, and of any

property belonging to the county, and of all labor that has been performed by the paupers in said poorhouse, and the manner in which the same has been performed.

§ 20. The board of supervisors of said county shall have power to direct by resolution, to be entered in its minutes, the quantity, quality and the manner in which the supplies for the county poorhouse, or any portion thereof, shall be purchased, obtained or contracted for; also for all the property and labor at or on the poorhouse, and for the working of the farm, and for all implements for the working of the same, and for all repairs on the buildings and fences.

§ 21. The superintendent of the poor of said county shall be subject to removal from office, for neglect of duty or malfeasance in office, in the same way and manner as provided by law for the removal of sheriffs.

§ 22. All the cost and expense for all the relief granted outside of the poorhouse in the several towns of said county, since December first, eighteen hundred and ninety-seven, for the care, support and maintenance of the poor, or for permanent or temporary relief, by the supervisors of the several towns, shall be a charge against the town where the supervisor granting the relief resides. All such expense shall be audited exclusively by the board of town auditors of said town, and paid in the same manner as other town accounts are paid. (*As amended by chapter 138 of the Laws of 1898.*)

§ 23. (*Repealed by chapter 138 of the Laws of 1898.*)

§ 24. The following special acts for the care and support of the poor in the county of Fulton, namely: Chapter four hundred and ninety-seven, laws of eighteen hundred and fifty-five; chapter one hundred and eighty-one, laws of eighteen hundred and fifty-nine; chapter two hundred and forty-two, laws of eighteen hundred and fifty-nine; chapter one hundred and eighteen, laws of eighteen hundred and sixty-two; chapter two hundred and nine, laws of eighteen hundred and seventy-three, are hereby repealed; except the provisions of this act shall not affect the fees or compensation of any supervisor now acting as overseer of the poor in Fulton county during the term for which he has been elected.

§ 25. This act shall not apply to the cities of Gloversville and Johnstown, or either of them, or the poor of said cities, except as herein expressly stated. All acts or parts of acts inconsistent with any of the provisions of this act are hereby repealed. (*As amended by chapter 138 of the Laws of 1898.*)

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JEFFERSON COUNTY.

AN ACT to provide for the support of the poor in the county of Jefferson.

Chapter 817, Laws of 1873.

Section 1. There shall not hereafter be elected any overseer of the poor in any of the towns of Jefferson county except in the city of Watertown and the towns of Ellisburgh, Cape Vincent, Wilna and Champion, and all the powers and duties of overseers of the poor as now provided by law are hereby conferred upon the supervisors of the respective towns in said county except in the city of Watertown and the towns of Ellisburgh, Cape Vincent, Wilna and Champion, where the overseer of the poor shall discharge all the duties of overseer of the poor conferred by this act with the restrictions hereinafter provided and the supervisors of each of the towns except those above named in said county shall exercise the powers and discharge the duties aforesaid and shall be subject to all liabilities and penalties that overseers of the poor are now subject to. (*As amended by chapter 24 of the Laws of 1888.*)

§ 2. It shall be the duties of the supervisors of the several towns in said county and of the overseer of the poor in the city of Watertown except Ellisburgh, Cape Vincent, Wilna and Champion, to grant all necessary aid or relief to poor and indigent persons residing in their respective towns, and it shall be the duty of each supervisor except Ellisburgh, Cape Vincent, Wilna and Champion, and of the overseer of the poor of the city of Watertown to enter into a book to be kept by each of them for that purpose the name, age and sex of every person by them relieved together with an account of all the sums of money expended and the items of expenditure in the relief of each poor

or indigent person and the cause of poverty in each case so far as it can be ascertained. It shall be the duty of the supervisors of the several towns except Ellisburgh, Cape Vincent, Wilna and Champion, and of the overseer of the poor of the city of Watertown to furnish to the clerk of the board of supervisors on or before the first day of the annual meeting of said board a copy of all the entries in the book provided to be kept by such supervisors and overseer for the year ending on the first day of November of each year, and also to present the same to the boards of audit of their respective towns and city at their annual meeting for the audit of town and city accounts, and such supervisor for all services (including mileage) rendered in the discharge of his official duties as aforesaid shall receive for each day's actual service the sum of two dollars provided that such supervisor shall in no case receive more than five per cent of the cost of supplies furnished nor shall he receive more than one hundred dollars in any one year for such official services. (*As amended by chapter 24 of the Laws of 1888.*)

§ 3. In case of the inability to serve of the supervisor of any of the towns in said county from absence, sickness or any other cause, the duties imposed on supervisors by this act shall during such inability be discharged by the justice of said town having the shortest time to serve, and said justice while so acting shall have the powers and liabilities hereby imposed upon supervisors and like compensation.

§ 4. The board of supervisors of Jefferson county shall have exclusive power to make contracts with physicians and surgeons to furnish medicines and medical and surgical services for the poor at the poorhouse and asylum of said county and the supervisors of the several towns except Ellisburgh, Cape Vincent, Wilna and Champion of said county and of the wards of the city of Watertown shall have power to make contracts with physician and surgeons to furnish medicines and medical and surgical services for the poor of their respective towns but no charge shall be made by any supervisor for making such contract nor for any other services rendered in causing medical or surgical aid to be extended to any of the poor and indigent persons of their respective towns. (*As amended by chapter 24 of the Laws of 1888.*)

§ 5. All the expenses arising from the care, support and maintenance of the poor of the various towns and in the city of Watertown, in said county, shall be a charge upon the towns and city respectively, except as herein provided. And all accounts hereby made a charge upon the several towns and the city of Watertown, unless otherwise provided in this act, shall be presented to and audited by the boards of audit of the respective towns and city. And the sums thus audited shall be levied and assessed upon said towns and city respectively by the board of supervisors of said county, and the sum thus raised shall be paid to the county treasurer and by him paid over on the order of the clerk of the board of supervisors to the persons entitled thereto as shall appear upon the schedule of the board of town and city auditors. The mayor of the city of Watertown and the supervisors of the several wards are hereby constituted a board of audit for said city for the purposes of this act.

§ 6. The board of town auditors of the several towns may specify such sums as they shall deem expedient to be raised in advance, for the support of the poor for the ensuing year, and such sums shall be levied upon said towns by boards of supervisors of said county and collected and paid over by the collectors to the supervisors of the respective towns. The board of auditors of the city of Watertown may specify such sums as it shall deem expedient to be raised in advance, for the support of the poor of said city for the ensuing year, and such sum shall be levied on said city by the board of supervisors of said county, and collected and paid over by the collectors to the chamberlain of said city to be disbursed by him on the order of the overseer of the poor of said city, and such overseer shall render detailed account to such board of auditors annually, and as much oftener as shall be by said board required, of all his expenditures of such moneys and the manner thereof.

§ 7. All poor and indigent persons in the county poorhouse or asylum, on the first day of November, eighteen hundred and seventy-three, and who for the previous twelve months have been in said institution, and all poor and indigent persons in said institution, or who shall from time to time be sent there from any part of said county, who have not a residence in any of the towns or city of said county, and all poor and indigent persons

now in any of the State asylums or in the Jefferson County Orphans' Asylum at the expense of the county; and indigent persons who on and since the first day of November, eighteen hundred and seventy-one, have been maintained in any of the towns of the county, or in the city of Watertown, on the written order of the superintendent of said county, and who still continue to require aid shall be a county charge. The last named class of persons may be maintained outside of the poorhouse at the expense of the county, on the written order of the superintendent, at a cost not exceeding the average cost of maintenance at the poorhouse. All the poor accounts chargeable to said county, and all accounts for expenses at and connected with the poorhouse and asylum shall be audited by the board of supervisors as other county accounts are now by law audited, and such portion of said accounts as are hereby made a charge upon the respective towns and city shall be charged to them respectively.

§ 8. No overseer of the poor shall hereafter be elected in the county of Jefferson, except in the towns of Ellisburgh, Cape Vincent, Wilna and Champion. At each annual meeting of the board of supervisors of said county, one superintendent of the poor shall be appointed by said board who shall hold his office one year and until his successor shall be appointed; and the superintendent thus appointed shall exercise all the powers and discharge all the duties now by law exercised by the superintendent of the poor, except such powers and duties as are inconsistent with this act, and shall be subject to the same liabilities and penalties that the superintendent of the poor is now by law subject to, and every superintendent of said county before entering upon the duties of his office and within ten days of his nomination of appointment, shall execute to the board of supervisors of said county a bond in the penal sum of ten thousand dollars, or other sum as such board shall direct, with two or more sureties to be approved by such board, or in case such board shall not be in session, by the county judge, surrogate and county clerk or any two of them, conditioned that he shall faithfully execute and discharge the duties of his office and shall pay according to law all moneys that shall come into his hands by virtue of his office, and render a just and true account thereof to the

now in any of the State asylums or in the Jefferson County Orphans' Asylum at the expense of the county; and indigent persons who on and since the first day of November, eighteen hundred and seventy-one, have been maintained in any of the towns of the county, or in the city of Watertown, on the written order of the superintendent of said county, and who still continue to require aid shall be a county charge. The last named class of persons may be maintained outside of the poorhouse at the expense of the county, on the written order of the superintendent, at a cost not exceeding the average cost of maintenance at the poorhouse. All the poor accounts chargeable to said county, and all accounts for expenses at and connected with the poorhouse and asylum shall be audited by the board of supervisors as other county accounts are now by law audited, and such portion of said accounts as are hereby made a charge upon the respective towns and city shall be charged to them respectively.

§ 8. No overseer of the poor shall hereafter be elected in the county of Jefferson, except in the towns of Ellisburgh, Cape Vincent, Wilna and Champion. At each annual meeting of the board of supervisors of said county, one superintendent of the poor shall be appointed by said board who shall hold his office one year and until his successor shall be appointed; and the superintendent thus appointed shall exercise all the powers and discharge all the duties now by law exercised by the superintendent of the poor, except such powers and duties as are inconsistent with this act, and shall be subject to the same liabilities and penalties that the superintendent of the poor is now by law subject to, and every superintendent of said county before entering upon the duties of his office and within ten days of his notice of appointment, shall execute to the board of supervisors of said county a bond in the penal sum of ten thousand dollars, or such other sum as such board shall direct, with two or more sureties to be approved by such board, or in case such board shall not be in session, by the county judge, surrogate and county clerk, or any two of them, conditioned that he shall faithfully execute and discharge the duties of his office and shall pay according to law all moneys that shall come into his hands by virtue of his office, and render a just and true account thereof to the board

of supervisors at each annual meeting of such board or at any special meeting thereof when required to do so. Said bond with the approval aforesaid indorsed thereon, shall be filed in the office of the county clerk. The term of office of said superintendent shall commence on the first day of January of each year. Every superintendent appointed by virtue of this act shall reside at the poorhouse of said county and be the keeper thereof and shall receive such compensation for his services as shall be fixed at any annual meeting of the board of supervisors, but such compensation so determined shall not be increased or diminished during the term for which he is appointed. (*As amended by chapter 24 of the Laws of 1888; and chapter 90 of the Laws of 1893.*)

§ 9. Whenever a vacancy shall occur in the office of superintendent of the poor in said county, the county judge, surrogate and county clerk, or any two of them, shall appoint some person to fill such vacancy, who shall hold his office until a successor shall be appointed in pursuance of this act; and shall, before entering upon the duties of his office, and within five days after notice of his appointment, give such bond as is provided for in the eighth section of this act, which, with the approval as herein provided, and with the order of appointment, shall be filed in the office of the county clerk. Every superintendent appointed in pursuance of this section shall receive the same proportionate rate of compensation for his services as his immediate predecessor would have been entitled to receive.

§ 10. Every superintendent of the poor, supervisor and overseer of the poor in said county shall have power to administer an oath to any person applying for relief, as to any matters pertaining to or touching the application for relief. Willful false swearing under this act shall be deemed perjury.

§ 11. It shall be the duty of the superintendent of the poor of said county to keep a book in which shall be entered a correct and full statement and account of all purchases, contracts, sales and expenditures made, and all moneys received by him as such superintendent; the amount and value of the farm products; the name of every person to whom any draft on the county treasurer shall be given, or any money paid by him; the amount of the same, and for what the allowance or payment was made, and the



price of the article or services for which such allowance was made, which book, with the vouchers of such expenditures, shall be presented to the board of supervisors during the first three days of their annual session, and at any special meeting of said board when required. It shall also be the duty of the said superintendent to keep an accurate account of the name of each poor and indigent person received into the poorhouse or asylum of the county, the date of such reception and of what town or city of the county they are residents, or if they are not residents of any of the towns of said county, or of the city of Watertown, such fact shall be stated by him, and the residence thus fixed by the superintendent shall, for the purposes of this act, be deemed presumptively correct, and any interested party shall have the right to appeal from such decision of the superintendent to the board of supervisors, who may make such order in the matter as they shall deem just. He shall also keep an accurate account with each of the towns of the county and with the city of Watertown, charging them with the average cost of supporting all poor and indigent persons kept in the poorhouse or asylum at any time during the preceding year, and chargeable to such towns or city respectively, except those who by this act are made a county charge, and shall include the same in his report to the board of supervisors as herein provided. The supervisor of any town or ward, and the overseer of the poor of the city of Watertown shall have the right to have such of the town or city poor, as they shall from time to time direct, respectively, maintained at the poorhouse or asylum at the expense of such town or city, and shall also have the right to send children to the Jefferson county orphan asylum, chargeable to their respective town or city, subject to the rules and regulations of such orphan asylum.

§ 12. The board of supervisors of said county shall, at each annual meeting of said board, appoint two persons, whose duty it shall be to visit the poorhouse and asylum of said county once in every two months, and not oftener, unless ordered by said board; and shall examine into the condition and usage of the poor, the management of the poorhouse and farm, the books of the keeper, and the management of the poorhouse and asylum generally, and shall make a written report of their doings to

the board of supervisors at each annual meeting thereof; and also, when called upon so to do at any special meeting of said board. Said inspectors shall receive as compensation two dollars per day while in actual service. Said inspectors shall be appointed by ballot at the same time, and no ballot shall contain the name of more than one person, and the two persons having the greatest number of votes shall be deemed appointed.

§ 13. The board of supervisors of said county shall have power to direct, by resolution, duly entered on its minutes, the manner in which the supplies for the poorhouse, or any portion of them, shall be purchased, contracted for or obtained by the superintendent. When any such direction shall be given by said board, the same shall be observed and carried out by said superintendent.

§ 14. Section first and second of chapter one hundred and ninety-five of the laws of eighteen hundred and sixty-six, also chapter two hundred and forty-two of the laws of eighteen hundred and fifty-two are hereby repealed except in Ellisburgh, Cape Vincent, Wilna and Champion. (*As amended by chapter 24 of the Laws of 1888.*)

§ 15. All laws and parts of laws inconsistent with this act are and shall be inoperative and ineffectual in the county of Jefferson, and all general laws now in force, applicable to the care and support of town or county poor, and not inconsistent with this act, are hereby made applicable to the town and county poor of said county.

§ 16. This act shall go into effect on on\* the first day of November eighteen hundred and eighty-eight and the term of office of overseer of the poor in said county, except in the city of Watertown, Ellisburgh, Cape Vincent, Wilna and Champion, shall cease on the first day of November eighteen hundred and eighty-eight. (*As amended by chapter 24 of the Laws of 1888.*)

AN ACT to exempt the town of Henderson from the provisions of chapter eight hundred and seventeen of the laws of eighteen hundred and seventy-three, entitled "An act to provide for the support of the poor in the county of Jefferson," and to confirm the action of the legal voters of said town in the election of an overseer of the poor.

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\* So in original.

## Chapter 589, Laws of 1880.

Section 1. The town of Henderson is hereby exempted from the provisions of chapter eight hundred and seventeen of the laws of eighteen hundred and seventy-three, entitled "An act to provide for the support of the poor of the county of Jefferson," and the action of the legal voters of said town, on February seventeenth, eighteen hundred and eighty, in electing Levi Crittenden as overseer of the poor is hereby fully confirmed.

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## LEWIS COUNTY.

AN ACT to repeal chapter six hundred and forty-five of the laws of eighteen hundred and eighty-one, entitled "An act to provide that any superintendent of the poor of the county of Lewis may be the keeper of the poorhouse of said county."

## Chapter 86, Laws of 1885.

Section 1. From and after the first day of January, eighteen hundred and eighty-six, chapter six hundred and forty-five of the laws of eighteen hundred and eighty-one, entitled "An act to provide that any superintendent of the poor of the county of Lewis may be the keeper of the poorhouse of said county," is hereby repealed.

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## MONTGOMERY COUNTY.

AN ACT relating to the superintendent of the poor of Montgomery county and specifying his powers as keeper of the county almshouse and farm.

## Chapter 10, Laws of 1900.

Section 1. The superintendent of the poor of Montgomery county shall reside at the poorhouse and shall be keeper of the county almshouse and farm of such county, during his term of office as such superintendent. He shall receive as such keeper, in addition to his fees as superintendent of the poor, an annual compensation of eight hundred dollars. He shall be entitled to board for himself and family. He may employ a matron at a compensation of not to exceed four dollars per week, one additional

female assistant at not to exceed four dollars per week and such other help as he may deem necessary.

§ 2. The superintendent of the poor in office when this chapter takes effect, and the superintendents hereafter elected or appointed shall purchase the necessary furniture and equipment for the county farm and almshouse recently purchased and constructed for such county and also purchase necessary implements and stock for said farm, food and material for the maintenance of the poor in such almshouse and use the income of said farm for the support of such poor and sell and dispose of the proceeds of said farm not necessary for the support of the inmates of said almshouse. Such superintendent shall make an itemized estimate in duplicate, of the furniture, equipment, implements, stock and supplies required for the use of the county almshouse and farm, showing the amount required for each item; each of such duplicates shall be signed by him and one shall be filed in his office and be open to public inspection and one shall be transmitted to the clerk of the board of supervisors.

The board of supervisors shall cause the total amount called for by such estimates to be assessed, levied and collected in the same manner as other contingent expenses of the county, to be paid to the county treasurer and to be by him kept as a separate fund. The superintendent of the poor shall pay for the furniture and equipment purchased by him as above provided, by his order upon the county treasurer, to be paid from the fund so raised.

§ 3. No superintendent of the poor of the county of Montgomery shall be directly or indirectly interested in any goods, wares or merchandise, provisions, clothing or any other article or thing whatsoever furnished, ordered or contracted for by him for the use of or at the poorhouse for the poor therein.

§ 4. Except as otherwise provided in this act, the provisions of the poor law and of other general laws apply to the superintendent of the poor of Montgomery county and the county almshouse and farm of such county.

**PUTNAM COUNTY.**

**AN ACT** to abolish the office of county superintendent of the poor in the county of Putnam, and to authorize the board of supervisors of said county to employ a keeper of the county poorhouse and farm.

Chapter 118, Laws of 1856.

Section 1. The office of county superintendent of the poor of the county of Putnam is hereby abolished, and the provisions of the act passed December sixteenth, eighteen hundred and forty-seven, and all other acts inconsistent with this act, requiring the election of such officers so far as the same apply to the county of Putnam are hereby repealed.

§ 2. The board of supervisors of said county are hereby empowered and authorized to employ on such terms as said board shall deem proper, a keeper of the county poorhouse of said county, whose duty it shall be to take charge of and superintend the management of the poorhouse and farm of said county, under the control and direction of said board.

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**RENSSELAER COUNTY.**

**AN ACT** relating to the support of the poor of Rensselaer county.

Chapter 344, Laws of 1860.

Section 1. From and after the passage of this act, the two superintendents of the poor having the shortest time to serve, shall be designated auditing superintendents, and shall be competent to do no other acts officially, nor shall do any other acts officially than those prescribed in this act. The third superintendent of the poor, being the one having the longest term to serve, shall be designated the acting superintendent of the poor; shall discharge all the duties required by law, from a county superintendent of the poor; together with all other duties required by this act, from the acting superintendent of the poor. And hereafter there shall be elected at the general election preceding the expiration of the term of office of each of said two first named superintendents of the poor, one auditing superintendent of the poor, to fill that office for three years; and at the

general election preceding the expiration of the term of the third named superintendent of the poor, there shall be elected one acting superintendent of the poor, who shall fill that office for three years.

The term of office of the present acting superintendent of the poor, Martin P. Defreest, shall end and terminate on the thirty-first day of December, in the year eighteen hundred and seventy-six, and the term of office of Barent I. Van Hoesen, one of the present auditing superintendents of the poor, shall end and terminate on the thirty-first day of December, in the year eighteen hundred and seventy-five; and the term of office of Jonathan Dennison, one of the present auditing superintendents of the poor, shall end and terminate on the thirty-first day of December, in the year eighteen hundred and seventy-six. In case of vacancy in the office of the acting superintendent or of the auditing superintendents, such officer shall be elected for the full term of three years, at the general election in said county of Rensselaer, next succeeding the happening of such vacancy; and in the meantime such vacancy shall be supplied as now provided by law. (*Added by chapter 590 of the Laws of 1875.*)

§ 2. The acting superintendent of the poor so elected, shall give bail in the amount required by the board of supervisors from a county superintendent of the poor, and his bonds shall be approved by said board as now required by law in such case.

§ 3. The (acting and) auditing superintendent\* of the poor shall, on the first Wednesday of every month, meet at the house of industry, or the office of the acting superintendent, at the court house, in said county, and then and there audit, examine and allow, or disallow, every claim, account, bill or demand, presented by the acting superintendent, or any other person or persons, against the acting superintendent, or the board of superintendents, for the support of the county poor, or for any service, subsistence, supplies or maintenance of the county poor of said county, or for the support of any or all the inmates of the house of industry.

§ 4. They shall keep a book in the office of the acting superintendent of the poor, in the court house, in Rensselaer county, in which shall be entered a full and correct statement of all arti-

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\* So in original.

cles purchased for the care, support and maintenance of the inmates of said house of industry; or for the management and cultivation of the farm, and for the keeping of the team or teams, cattle and stock upon the same, together with the name of the person or persons of whom the same was purchased, and the price thereof; another book in which all articles sold shall be entered, with the price, names of the purchasers and date of said purchase; and a third book in which shall be entered at length every contract, whether written or verbal, and the names of the contracting parties; and a fourth book, in which shall be entered the name, age, sex, previous habits, nativity, last place of residence and name of committing officer, of every pauper inmate, together with the name of the town or city to which they are severally chargeable.

§ 5. The said books shall be open for the examination of every taxpayer of said county, from ten o'clock in the morning to twelve at noon, and from one till four o'clock in the afternoon of every day except Sundays, legal holidays and election days.

§ 6. The said auditing superintendents shall each receive four dollars per day for every monthly meeting for auditing said accounts, and twenty cents for every mile necessarily traveled to attend said meetings, reckoning only one way, which bills shall be audited and allowed by the board of supervisors, as other accounts are allowed, and no more than eight dollars per month and said travel fees, for one journey shall be allowed. (*As amended by chapter 486 of the Laws of 1863.*)

§ 7. The acting superintendent shall, immediately upon the passage of this act, make an estimate of the beef, flour, pork, fuel of all kinds, rice, coffee, tea, sugar, cloth, clothing, boots, shoes, leather, fish, salt, candles, soap, lumber, grain, seeds, and every other article of use or subsistence, the annual consumption of which at the house of industry exceeds twenty-five dollars; and shall advertise under the notice of "proposals for supplies at the house of industry," for twenty days in two daily and in two weekly newspapers, having the largest circulation, published in the county, for sealed proposals to furnish the kind, quality and quantity of the articles of subsistence, estimated to be needed for the keeping of inmates of the said house of industry for six months; and at the end of every six months the said

acting superintendent shall renew the said estimate and advertisements. No purchases except those provided for in this act shall be made by the said acting superintendent.

§ 8. At the next monthly meeting of the said superintendents, after the expiration of the said twenty days, the said sealed proposals shall be opened by the said acting superintendent in the presence of at least one of the auditing superintendents, and the contract or contracts shall be awarded to the lowest bidder or bidders, who shall furnish ample security for the performance of the said contract or contracts. A guarantee shall accompany each proposal, signed by the bidder and one other responsible party, that in case said proposal is accepted, said bidder will enter into contract as required, and in case said contractor shall fail to perform his contract, it shall be the duty of the acting superintendent forthwith to readvertise for the supplies called for by the contract, in the manner prescribed in section seven of this act.

§ 9. Nothing contained in this act shall be construed as forbidding said superintendent from purchasing in open market such articles as may be necessary in the event of the neglect of a contractor or contractors to comply with their contracts, nor from purchasing articles not required to be purchased by contract.

§ 10. The board of superintendents of said county shall appoint the keeper of the house of industry, who shall be the manager of the county farm, subject to the general directions of the acting superintendent, which directions the acting superintendent shall communicate in writing whenever requested so to do by the said keeper, and said board shall also appoint a physician and all necessary officers and servants of the said house of industry, and said keeper and physician and the officers and servants respectively shall hold their offices during the pleasure of the said board. The annual salaries of the said acting superintendent, keeper and physician shall be fixed by the board of supervisors, and shall neither be increased or diminished during their term of office: except that after the expiration of the term of office of the present acting superintendent, and thereafter, the acting superintendent shall receive an annual salary of three thousand five hundred dollars, which said salary shall not be



increased or diminished during the term for which said acting superintendent shall have been elected. Said salary shall be paid monthly the same as the salaries of other county officers are paid. It shall be the duty of the acting superintendent to perform all services which he is or shall be required or authorized by law to perform by virtue of or by reason of his holding such office, and no compensation, payment or allowance shall be made to him or any other person for performing any services, appertaining to the said office of acting superintendent, except the salary aforesaid. (*As amended by chapter 216 of the Laws of 1862; chapter 418 of the Laws of 1896; and chapter 636 of the Laws of 1903.*)

§ 11. No money shall be paid nor draft delivered to any contractor or to any other person for articles furnished under the contract before mentioned or for any other property furnished by any person until the said articles shall have been actually delivered at the house of industry, and the same shall have been examined, their weight or measure ascertained by the keeper; which delivery, weight and measure shall be verified by the affidavit of the keeper, which shall state that at date thereof he has personally received, inspected and weighed or measured such articles, and that the quantity and quality is correct as charged. (*As amended by chapter 216 of the Laws of 1862, q. v.*)

§ 12. (*Repealed by chapter 593 of the Laws of 1886.*)

§ 13. The county treasurer shall pay no draft for and in behalf of the support of the poor of the county of Rensselaer, unless the same shall have been drawn by the acting superintendent of the said county, and the same shall have been countersigned by at least one of the auditing superintendents; nor shall he pay any draft of said superintendents, except to discharge a liability incurred pursuant to the provisions of this act.

§ 14. No produce of the county farm or garden, nor any of the stock kept thereon, nor any other property of whatever name or nature, upon or pertaining to the same, shall be sold by any other person than the acting superintendent aforesaid, and such sales shall be only for cash paid upon the delivery of the said property by the purchaser; nor shall any or either of said superintendents be interested, directly or indirectly, as a purchaser in any such purchases or bargains.

§ 15. The keeper of the said house of industry shall keep a book in which the labor of any and every pauper in said house of industry shall be daily noted when such labor is performed, provided it exceeds one hour in duration, together with the kind of labor, whether it be on the farm, or in the domestic labor of the kitchen or otherwise; unless otherwise ordered by the board of supervisors.

§ 16. The physician to the said house of industry shall be required to keep a book in which shall be entered the name, age, sex, nativity, name of disease, date of commencement, date of discharge and termination of the disease of every pauper inmate requiring medical attendance, which book shall be subject to the control and inspection of the board of superintendents.

§ 17. At the commencement of every annual meeting of the board of supervisors, the said superintendents shall report, in the manner now required by law, their doings as such officers, and shall lay upon the table of the clerk of said board all their books, vouchers, memorandums, and all other papers relating to the administrations of the affairs of said house of industry, together with any suggestions they may see fit to make for its improvement, or the condition of the pauper inmates of the same.

§ 18. All laws and parts of laws inconsistent with the provisions of this act, are hereby repealed.

AN ACT to amend an act entitled "An act relating to the support of the poor of Rensselaer county," passed April thirteenth, eighteen hundred and sixty.

Chapter 216, Laws of 1862.

Section 1. (*Amends § 10 of Chap. 344 of the Laws of 1860, q. v.*)

§ 2. (*Amends § 11 of Chap. 344 of the Laws of 1860, q. v.*)

§ 3. It shall be the duty of the said acting superintendent to grant the necessary temporary relief to poor persons residing in the city of Troy, whose relief would be by law a county expense, in the same manner as town overseers of the poor are now required to grant relief to poor persons residing in their respective towns, and under the same restrictions of law, so far as the same shall be applicable, as said town overseers now are, excepting the compensation for such services, which shall be fixed by the board of supervisors of the county; and also excepting

that said acting superintendent shall not be required to apply to any officer for authority. The expenses incurred for temporary relief under this section shall, in no case, exceed the cost of maintaining the person relieved at the house of industry, for the same length of time as that for which relief is granted, except when the removal of such person to said house of industry shall be clearly impracticable; and the said acting superintendent shall keep a book of record in his office, in which shall be entered in full the name and residence of each person receiving any relief or assistance, together with the date and amount of the same, and also the manner or means by which such relief or assistance has been rendered; such book to be free and open for the inspection of any taxpayer of the county, from nine o'clock in the forenoon until twelve o'clock at noon, and from two o'clock until four o'clock in the afternoon of each and every day in the year, Sundays and legal holidays excepted.

AN ACT to amend chapter three hundred and forty-four of the laws of eighteen hundred and sixty, entitled "An act relating to the support of the poor of Rensselaer county," passed April thirteenth, eighteen hundred and sixty, and to define the term of office of the acting superintendent and auditing superintendents of the poor now in office under said act.

Chapter 590, Laws of 1875.

Section 1. (*Amends § 1 of Chap. 344 of the Laws of 1860, q. v.*)

§ 2. The acting superintendent of the poor shall keep a book in which he shall enter consecutively the names of the persons upon whom he or said board of superintendents gives any order for the relief of the poor, the names of the persons to whom said orders shall be given, and their place of residence, for what said orders are given, the amount thereof, and the dates of giving said orders. The said orders shall be in writing, and shall name the article or articles to be furnished, and they shall not authorize or permit to be furnished on such order any spirituous or intoxicating liquor, wines, ale or beer. No account for provisions, clothing, fuel or other articles furnished by any person upon said orders shall be audited or paid, unless the original order or orders shall be attached to said account and accompanied by an

affidavit made by the person or persons presenting or claiming the same, that the same identical articles mentioned in said order or orders have been furnished to the person or persons to whom the said orders had been given and that the prices charged therefor were reasonable, nor shall the county treasurer pay any such account when audited, unless the original order verified as herein required, and having attached thereto the audit and allowance by the said acting and auditing superintendents as a board, shall be filed with said county treasurer. Nor shall said board audit or allow any other bill, claim or account whether arising out of a written contract or otherwise, unless the same shall be made out in items with the dates when the services claimed were rendered, or the goods, wares or supplies furnished, with a statement showing whether or not the same is claimed under any and what contract in writing, and verified by the claimant to the effect that the said bill, claim, account and statement are in all respects correct and true. No account, bill or claim shall be paid by the acting superintendent or the auditing superintendents as a board, or otherwise, nor shall the same be paid by the county treasurer until made out, verified and audited according to the provisions of this section, and certified by said board of superintendents. All monies now in the hands of said board or said acting superintendent, shall be forthwith paid over to the county treasurer, and all monies hereafter received from any source by said board or said acting superintendent, in their or his official capacity shall be immediately paid over to the county treasurer to be held and used for the support of the county poor as now provided by law, anything in the act hereby amended to the contrary notwithstanding. Such vouchers filed by such county treasurer shall at all reasonable times be subject to examination by any taxpayer of said county.

§ 3. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

AN ACT to abolish the offices of auditing superintendents of the poor in Rensselaer county, to confer their powers and duties on the acting superintendent, and to authorize the employment of additional clerks in his office.

## Chapter 236, Laws of 1906.

Section 1. The office of the auditing superintendent of the poor of the county of Rensselaer whose term expires on December thirty-first, nineteen hundred and six, is hereby abolished on that date, and all his powers and duties shall be exercised and performed by the auditing superintendent of the poor whose term of office expires on December thirty-first, nineteen hundred and seven, until the expiration of his term of office. The office of the auditing superintendent of the poor whose term expires on December thirty-first, nineteen hundred and seven, is hereby abolished on that date, and from and after the first day of January, nineteen hundred and eight, all the powers and duties of the auditing superintendents of the poor of the county of Rensselaer and of the board of superintendents of such county, under existing laws, shall be exercised and performed by the acting superintendent of the poor of such county. All bills contracted by said acting superintendent of the poor in the discharge of his office shall be audited by the board of supervisors after the first day of January, nineteen hundred and eight.

§ 2. The acting superintendent of the poor of such county may employ additional clerks to assist him in the discharge of his official duties at an annual expense not exceeding one thousand dollars.

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SENECA COUNTY.

AN ACT to regulate the expenditures for poor purposes in Seneca county.

## Chapter 145, Laws of 1868.

Section 1. The board of supervisors of the county of Seneca shall hereafter, at their annual meeting, audit and settle all accounts of the superintendents of the county poorhouse of said county, the accounts of the overseers of the poor of the several towns of said county, for services and expenses incurred by them for the temporary relief of the county poor of said county, and the accounts of all other persons for like services rendered, or for supplies furnished and for medical attendance by physicians for the poor, chargeable to said county.

§ 2. The board of supervisors for said county shall have power to contract with any person or persons for supplies to be furnished to the poor, chargeable to said county as county paupers of said county.

§ 3. The superintendents of the poor of said county of Seneca are hereby constituted a subordinate board to assist in auditing the poor expenses of said county, and shall be under the direction and control of the board of supervisors of said county.

§ 4. The superintendents of the poor of said county, the keeper of the county poorhouse and the overseers of the poor of the towns in said county, shall not, nor shall either of them, be directly nor indirectly interested in any supplies furnished or ordered by them, or either of them, and no accounts shall be audited by said board of supervisors for services rendered or supplies furnished for the poor of said county, unless the same shall be made out in items, with dates, stating the time and nature of the services rendered, the quantity and quality of the articles furnished, and the time when the same were delivered, duly verified according to the form prescribed by law, applicable to accounts audited by boards of supervisors.

§ 5. The superintendents of the county poor of said county shall, in each year, render under oath to the board of supervisors of said county, at its annual meeting, a true and faithful statement of all moneys received by them from said county, and from the commissioners of emigration for the support of county paupers, of all the products raised on the county farm belonging to the said county poorhouse, and of the disposition which has been made of the same, and of all labor which has been performed by the county paupers, or of any property belonging to the county, with the manner in which, and the persons for whose benefit, the same has been performed.

§ 6. It shall be the duty of each overseer of the poor in said county of Seneca to enter in a book, to be by him kept for that purpose, a full and accurate statement of all sums of money by him received or expended as such overseer of the poor, with the date of the receipt and disbursement thereof, the name, age and sex of each poor or indigent person relieved by him, and the cause of pauperism or indigence in each case, so far as the

same can be ascertained, and the items of expenditure in the relief of each such poor or indigent person. It shall be the duty of each of said overseers of the poor to make and furnish the supervisor of his town, within one week preceding the annual meeting of the board of supervisors, a just and accurate transcript of all the statements and entries so required to be made by him, for the year ending on the last day in October in each year; and it shall be the duty of such supervisor to whom such statement shall be furnished, to deliver the same to the clerk of the board of supervisors of said county, on or before the first day of the meeting of said board in each year.

§ 7. The board of supervisors of said county shall have power to direct, by resolution, to be entered on its minutes, in relation to and the manner in which the supplies for the county poor house, or any portion thereof, shall be purchased, obtained or contracted for, and also as to the amount and manner of affording temporary relief by the overseers of the poor of the several towns in said county, and when any such direction shall be given by said board of supervisors, the same shall be observed and carried out by the said superintendents and overseers of the poor.

§ 8. The committee of the board of supervisors, appointed at their annual session, on the accounts of superintendents and overseers of the poor shall, on the first Wednesday in February in each and every year, meet at the county poorhouse with the superintendents of the poor, and the superintendents, and said committee of the supervisors shall jointly constitute an auditing board to audit and settle all accounts for temporary relief furnished to the poor outside of the poorhouse, from the first day of November preceding the time of meeting of said auditing board. The said auditing board shall elect one of their number chairman, and also a clerk from their own number, and the said clerk shall, under the direction of the board, draw checks upon the county treasurer for all bills audited which shall be paid by the county treasurer, the same as checks drawn by order of the board of supervisors. (*As amended by chapter 12 of the Laws of 1878.*)

§ 9. All provisions of law, so far as they are inconsistent with the provisions of this act are hereby repealed.

**SPECIAL STATUTES RELATING TO THE CARE OF  
THE POOR IN EACH OF THE FORTY-FIVE CITIES  
OF NEW YORK STATE.**

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**ALBANY, ALBANY COUNTY.**

(Note.—Commissioner of charities appointed by the mayor for the term of two years at an annual salary of \$2,500.)

**Chapter 298, Laws of 1883.**

**TITLE XIV.**

**CITY PHYSICIAN.**

§ 1. (*Repealed by chapter 580 of the Laws of 1900.*)

§ 2. It shall be his duty to visit the almshouse at least once in each day, to attend and administer medical assistance to the sick in the almshouse, hospital, pesthouse and other permanent or temporary buildings now or hereafter to be erected on the almshouse farm, and direct the manner of treatment of said sick.

§ 3. He shall have power to appoint one resident physician at a salary of not more than two hundred dollars per annum, payable monthly, from the fund raised for the support of the almshouse, to assist him in the discharge of his duties at said almshouse or hospital.

§ 4. He shall report on the first day of every month, and oftener if he deem it necessary, in writing, to the mayor, of the pauperism in the almshouse, the persons admitted to the pesthouse, lunatic asylum and hospital, when sent and by whom.

**TITLE XV.**

**SUPERINTENDENT OF THE ALMSHOUSE.**

§ 1. The superintendent of the almshouse shall reside at the almshouse in the city of Albany and shall receive a salary of two thousand five hundred dollars a year, and shall provide his own table and that of his assistants who reside at the almshouse, from the money appropriated to the support of the almshouse. He shall give his undivided personal attention to the duties of his



office and shall be engaged in no other trade, business, occupation or employment.

§ 2. He shall have the charge, care and control of the poor and insane committed to the almshouse and of the real and personal property now used for such purposes, and of the farm and appurtenances thereto belonging and appertaining. And all persons arrested upon the charge of insanity shall be sent forthwith to and confined in the asylum attached to the Albany almshouse, and it is hereby made the duty of the superintendent of the almshouse to transfer the said person or persons to and from the said asylum when directed so to do by either of the police magistrates or the chief of police.

§ 3. All moneys appropriated to the support and maintenance of the almshouse in the city of Albany shall be paid over to the chamberlain of the city of Albany, who shall pay the same out only after an investigation and audit, by the board of audit, as hereinbefore provided, of the claims presented, and after the certificate of the superintendent shall have been given as hereinafter provided for.

§ 4. Said superintendent shall appoint a deputy, with the approval of the mayor, who shall receive a salary at the rate of one thousand two hundred dollars a year, and a clerk who shall receive a like salary. The said deputy and clerk shall hold their positions during the pleasure of the superintendent. The said clerk shall have his office in the rooms assigned to and occupied by the overseer of the poor in the city of Albany. The superintendent of the almshouse shall also have power to employ such assistants as will enable him to execute the duties of his office, whose respective compensation shall be fixed by him at a sum not exceeding in the aggregate six thousand dollars per annum. (*As amended by chapter 302 of the Laws of 1885, and chapter 91 of the Laws of 1903.*)

§ 5. He shall also employ, as far as possible and without compensation to them, the paupers confined in the almshouse, especially in the cultivation of the poorhouse farm. It shall be the duty of the superintendent to purchase all supplies for the almshouse in such quantities, at such times and from such persons as he shall decide to be most for the interests of the city; and he *shall regulate* the consumption and distribution of the same, and

direct the doing of all work and the making of all repairs incident to the duties of his office and the care of the property committed to his charge.

§ 6. All claims for such supplies and other expenditures by him shall be presented as hereinbefore provided; provided, however, that no such account shall be audited or paid unless it shall be accompanied by a certificate of the superintendent to the effect that the work charged for therein has been actually done and the materials mentioned therein have been actually furnished, and that such work and materials were reasonably worth the price charged therefor. The bill or claim shall be verified by the claimant as other bills are required to be.

§ 7. It shall be the duty of the superintendent of the almshouse to make a quarterly statement to the common council, showing, in tabulated form, the age, sex, nationality and number of paupers, insane and sick in the almshouse, each day of the month, the total number of weeks' board and lodging furnished in the almshouse, almshouse asylum and almshouse hospital respectively, and the cost per day of maintaining each pauper, patient and insane person in the almshouse. The quantity and quality of each kind of food and provisions used in the almshouse, and the price therefor, and the persons or firms from whom the several articles were purchased. The kind and amount of repairs made, and by whom the same were made, and the cost thereof. The amount raised on and received from the poorhouse farm, and disposition thereof. The number of persons employed, their occupation and the salary, wages or compensation paid to each. Also such further statistical information as the superintendent is now, or may be required by law or the ordinances of the common council to furnish.

#### TITLE XVI.

Section 1. (*Repealed by chapter 580 of the Laws of 1900.*)

§ 2. (*Repealed by chapter 580 of the Laws of 1900.*)

§ 3. Whenever it shall become known to the said overseer of the poor that any person who is blind, lame, old, impotent, insane or decrepit, or is in any other way disabled or enfeebled so as to be unable by work to maintain himself or herself, has no visible means of support, and is or is about to become a

charge on the public, it shall be the duty of the said overseer diligently to investigate and inquire as to the antecedents of such person, whether he or she has any relatives legally bound to support such person, what his or her last place of residence was, and from what place he or she came into Albany county, and for what time he or she has resided or been in Albany county. All of which facts, together with a statement of the relief granted or of the disposition made of the case, shall be entered fully in a book to be kept by the said overseer of the poor, in which shall be also entered the name, nationality, color and age of such person. If it shall appear that such person has relatives legally bound to care for and support him or her, the overseer of the poor shall take proceedings to compel them to support such person. If from such investigation and inquiry it shall appear that such person has no legal settlement in Albany county, it shall be the duty of the overseer of the poor, as soon as the condition of the applicant will permit, to take such proceedings as are authorized by law to relieve Albany county from his or her care and support. He shall have power, by a commitment in writing, to send to the several hospitals of the city of Albany such of the sick poor as he may think proper, provided that the expense of their care and support in such hospitals shall not exceed the amount appropriated for such purpose; and such hospitals shall be paid quarterly, upon the certificate of said overseer, accompanied by the commitment and an affidavit of the proper officer or agent of the hospital, showing the date when each person was received and the date when each person died or was discharged, and the time during which each person was cared for therein, such sum per week as may be agreed upon by said overseer, with the approval of the mayor of the city, with each of said hospitals, for the care and maintenance of the sick poor confided to their care. It shall further be the duty of each hospital to notify the said overseer of the poor, in writing, of the date of the death or discharge of each person committed to it under the provisions of this title, within twenty-four hours after such death or discharge, and for a neglect to do so shall forfeit any claim for compensation for caring for such person. (*As amended by chapter 302 of the Laws of 1885.*)

§ 4. The said overseer shall have power, within the limit of the amount allowed him under the provisions of this title, to give relief to the poor in cases of temporary emergency, but not in continuous or periodic aid or support of such poor, and no sum exceeding ten dollars shall be paid or applied to the use of any one person or his or her family in any one year, until the special circumstances of such case have each time, when further aid or assistance is afforded, been presented in writing to the mayor of said city, and he has indorsed thereon his approval thereof; whenever it shall appear to said overseer that any person applying for relief is in such condition as that such person cannot provide for himself or herself, or his or her family, and in the judgment of such overseer he or she can be more comfortably supported at the almshouse, it shall be the duty of said overseer to commit and cause the removal of such person and his or her family to the said almshouse or other proper place. *(As amended by chapter 302 of the Laws of 1885.)*

§ 5. *(Repealed by chapter 580 of the Laws of 1900.)*

§ 6. The said overseer shall make monthly, to the common council, a just, full and true report and account to be verified by him of all moneys and property coming into his hands, and of the manner of the expenditure and disposition thereof, and if any part of said expenditures are in coal orders or store orders, the amount of coal orders and store orders shall be stated and the names of the persons who are therein required to furnish the supplies. He shall also separately state the amount represented by orders issued more than three months prior to such report which are outstanding at the date thereof, and the amount represented by outstanding orders issued within the three months preceding the date of such report. No orders shall be issued on any store or place in which liquors are sold by the glass; and no orders shall be issued in excess of the amount for which the overseer's requisitions have been allowed, after deducting from such amount all other expenses, disbursements and liabilities contracted to be paid therefrom. The overseer shall retain in his hands sufficient money to pay such orders until the end and expiration of three months after the date of their issue, and thereafter he shall, at the time of presenting his monthly reports

to the common council, repay the amount, representing orders not redeemed within three months after their date, to the chamberlain, who shall credit the same to the appropriation for the poor. Said orders shall be dated when given, and shall have clearly printed across their face the following words: "This order becomes void if not presented for payment within three months after the date of its issue," and unless presented for payment to the overseer of the poor within such three months it shall be void and shall not be paid. It shall be a misdemeanor for the overseer of the poor to incur any expense, pay any money, or issue any orders in excess of the amount allowed to him under the aforesaid requisitions. (*As amended by chapter 302 of the Laws of 1885.*)

Chapter 473, Laws of 1906.

## ARTICLE X.

### DEPARTMENT OF CHARITIES.

Section 170. Commissioner; deputy; overseer of poor.

171. Powers and duties of commissioner.

172. Powers and duties of overseer.

173. City owner of supplies.

Section 170. Commissioner; deputy; overseer of poor.—The commissioner of charities may appoint, to hold office during his pleasure, a deputy, overseer of the poor, and such other subordinates as may be prescribed by the board of estimate and apportionment. In case of the absence or disability of the commissioner or of a vacancy in the office, the deputy shall discharge the duties of the office until the commissioner returns, his disability ceases or the vacancy is filled. The commissioner, deputy and overseer of the poor, before entering upon the discharge of the duties of their respective offices, shall each execute and file with the city clerk an official undertaking in such penal sum as may be prescribed by the common council.

§ 171. Powers and duties of commissioner.—The commissioner of charities shall have the general care, management, administration and supervision of the charities, almshouses, hospitals, houses of correction, orphan asylums and all other similar institutions, the control or government of which belongs or is intrusted to the city. He shall make regulations for the expendi-

ture of the moneys appropriated for the support or relief of the poor and for the general supervision of such expenditures. He shall investigate fully the circumstances of all persons alleged to be destitute or without proper means of support, or without proper guardianship, or who are in danger of becoming or are a public burden in any respect; and also the circumstances of their relatives or other persons whose duty it is to relieve or maintain them or contribute to their support; also to institute and prosecute any and all actions and proceedings authorized by law to compel any and all persons liable for the care, maintenance, education or support of any such destitute or dependent persons to contribute thereto, and to indemnify the city and public against any expenditures on account thereof. He shall also prosecute any and all bonds, undertakings or recognizances given for any of the purposes herein mentioned or in any manner relating thereto. Any and all moneys recovered in any such suit, action or proceeding or otherwise paid to or received by the said commissioner on account of the care, maintenance, relief, education or support of any such persons shall be deposited by the commissioner with the city treasurer as a trust fund, and the same shall be applied and expended by the said commissioner for the purpose on account of which the same were paid. Any surplus remaining in said fund at the close of the fiscal year shall be treated as an unexpended balance of money appropriated for such department. The commissioner shall furnish to and file with the comptroller a monthly statement in detail of all receipts and expenditures, including the aid and relief granted by him, with the names and addresses of all recipients.

§ 172. Powers and duties of overseer.—The overseer of the poor, subject to the regulations and supervision of the commissioner, shall possess all the power and authority of overseers of the poor in the several towns of the county in which the city is situated, and be subject to the same duties, obligations and liabilities. The overseer and his assistants shall have the power to examine under oath any person applying for relief.

§ 173. City owner of supplies.—The city shall continue to be the owner of supplies furnished to any poor person or applicant for relief until the same are consumed. If any person to whom the same shall be furnished shall sell or exchange the same for

money or intoxicating liquors or in any way dispose of the same other than in the manner directed, such conduct shall be deemed a misdemeanor.

§ 174. Liability of city.—Nothing contained in this act shall be deemed to make the city liable for the support or relief of any poor person when it is not otherwise so liable.

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#### AMSTERDAM, MONTGOMERY COUNTY.

(Note.—Overseer of the poor elected for the term of two years at a salary of \$600.)

#### Chapter 131, Laws of 1885.

#### TITLE IV.

§ 53. It shall be the duty of the overseer of the poor to visit the poor of said city at their several places of residence, and examine into their circumstances, and ascertain to what extent they should be entitled to permanent or temporary relief. He shall devote his whole time to the discharge of his public duties. He shall have the sole and exclusive care and management of the poor of said city, subject to the same restrictions and liabilities as overseers of the poor of towns of the county of Montgomery, except as modified by this act, and for all purposes relating to the maintenance and support of the poor, the city shall be one of the towns of the county of Montgomery.

1. The said overseer of the poor shall keep his office in some central and convenient part of the city, to be approved by the common council, and he shall at the first regular meeting of the common council in each month report to the common council under oath, in detail, all appropriations, expenditures, temporary relief and allowances made by him as such officer during the month preceding; which report shall specify the name of each person relieved, the quantity, quality and price of each article ordered or furnished, and from whom obtained; said report shall also contain the names of all persons to whom meals and lodgings have been furnished, the number of such meals and lodgings, from whom obtained, and the cost of the same. The same to be filed with the city clerk.

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2. The said overseer of poor shall, within ten days after being notified of his election and before entering upon the duties of his office, file with the city clerk of Amsterdam a bond to said city with two sufficient sureties, to be in an amount and to be approved by the common council for the faithful discharge of his official duties and a correct accounting of any funds or moneys to be received and disbursed by him.

3. The said overseer of poor shall require all persons making applications for relief who are residents of said city to make such application in writing, which shall be filed and preserved by said overseer of poor of the city and handed to the city clerk monthly.

4. The said overseer of the poor of said city of Amsterdam shall possess all the powers and authority, subject to any modification therein, of overseers of the poor of the several towns of the state, in relation to the support or relief of indigent persons and the binding out of children.

5. He shall have the powers superintendents of the poor now have in relation to lunatics and insane persons within said city, and to provide for their safekeeping in a proper place in such city, or to send them to a lunatic asylum, and shall have the same powers within said city as overseers of the poor and county superintendents of the poor now have in relation to bastards.

6. All charges and accounts against said city for services rendered, acts done or means furnished under and by virtue of section fifty-three of this act shall be audited by the common council of the city in the same manner and at the time similar accounts are audited in the several towns in the county of Montgomery by the respective town boards, and all accounts properly chargeable against the county of Montgomery shall be audited by the board of supervisors of said county in the same manner as the accounts of towns and town officers are by them audited and allowed.

7. The overseer of the poor of the city of Amsterdam, in performing the duties of his office under the provisions of this act and the laws of this state, shall not furnish to any person whatever, groceries, provisions, fuel, medicines or property belonging to himself, or in which he shall be interested; nor shall he be in-



terested in any contract for the purchasing of such groceries, provisions, medicines, fuel or property, nor shall he receive any commission for any goods or articles or relief furnished, or on any order given by him for any such goods, articles or relief, and for a violation thereof shall be removed by the common council after opportunity to be heard in his own defense.

8. The overseer of the poor shall promptly report and refer all cases requiring medical or surgical relief to the physician or one of the physicians appointed or employed by the common council to render such relief. (*As amended by chapter 188 of the Laws of 1903.*)

9. The overseer of the poor of the city of Amsterdam shall have power to administer to and examine under oath any person applying to him for relief, and false swearing during such examination shall be deemed willful perjury.

10. Said overseer of the poor shall have the same power to settle cases of bastardy as is now conferred upon superintendents of the poor of the counties of this state.

11. The overseer of the poor of the city of Amsterdam shall receive an annual salary of six hundred dollars, payable quarterly.

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#### AUBURN, CAYUGA COUNTY.

(Note.—Commissioner of charities appointed by the mayor for two years. Compensation fixed by board of estimate and control.)

Chapter 185, Laws of 1906.

#### TITLE VII.

##### CHARITIES AND POLICE.

Section 68. The commissioner of charities shall possess the powers and execute the duties of overseer of poor in towns, and may appoint a superintendent of charities and such assistants as the board of estimate and control shall prescribe and the common council approve, to aid in the discharge of his duties. The superintendent of charities shall investigate the character, habits, location of residence, condition and necessities of all applicants for assistance and relief, the result of which shall be recorded in a book to be kept for that purpose. He shall hold office during

good behavior and shall not be removed by the commissioner of charities until after an opportunity is given him to be heard upon a notice of six days accompanied by a copy of the charges preferred.

§ 69. The commissioner of charities shall adopt uniform rules and regulations by and under which assistance or relief shall be administered and shall prescribe the manner in which orders therefor shall be issued and signed. He shall have the power, when practicable, to furnish temporary employment to indigent persons applying for relief, who are chargeable to the city of Auburn, agree with such person on the compensation to be paid therefor, and pay the same in money. The city shall continue to be the owner of all articles or supplies furnished to any poor person or applicant until the same are consumed; if any person to whom the same shall be furnished, shall sell or exchange the same for money or intoxicating liquor, or in any way dispose of the same other than in the manner directed, such conduct shall be deemed a misdemeanor.

§ 70. All commitments to the county poorhouse, or to the state lunatic asylum, and all proceedings in relation to father or mother deserting or absconding from their children, or husband from his wife, leaving any of them chargeable or likely to become chargeable upon the public for support, in the cases provided by law, shall be instituted, made and issued in the name of the commissioner of charities of the city of Auburn. All proceedings in bastardy cases shall be instituted by and in the name of said commissioner of charities before either the city judge or recorder, who shall have and possess all the powers and jurisdiction of a justice of the peace in such cases. Upon the return of the process, the officer issuing the same shall immediately call to his aid the other of said officials, or in case of his absence or inability to act, then the justice of the peace, whereupon they shall proceed to dispose of the case in the manner provided by law.

§ 71. On and after the date this act takes effect all charges, claims and demands heretofore by any statute of this state or otherwise made charges against the town of Auburn, shall be city charges and be presented, audited and paid in accordance with the provisions of this act for claims against the city of

Auburn; and the town board of the town of Auburn shall not meet for the purpose of auditing accounts or allowing or rejecting charges, claims and demands.

§ 72. On or before the first day of September in each year, the commissioner of charities shall submit to the common council, an annual report of the affairs of his department.

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#### BINGHAMTON, BROOME COUNTY.

(Note.—Overseer of the poor elected for a term of two years at a salary of three dollars per diem.)

Chapter 214, Laws of 1888.

#### TITLE IV.

§ 9. Overseer of the Poor.—The overseer of the poor shall possess all the powers and authority of overseers of the poor in the several towns of this state and shall be subject to the same duties, obligations and liabilities. He shall receive a salary of three dollars per day for each day actually and necessarily employed in the performance of his duties, to be audited and allowed by the board of city auditors in the same manner as other city charges for the support of the poor are now audited and allowed. (*As amended by chapter 858 of the Laws of 1895.*)

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#### BUFFALO, ERIE COUNTY.

(Note.—Overseer of the poor elected for a term of four years at a salary fixed by the common council.)

Chapter 105, Laws of 1891.

#### TITLE XIII.

##### DEPARTMENT OF POOR.

§ 349. There shall be a department of poor, of which the overseer of the poor shall be the head. He shall be elected as provided by this act, and shall hold office for the term of four years. (*As amended by chapter 805 of the laws of 1895.*)

§ 350. The overseer shall have charge and control of all expenditures of money by the city for the relief of the poor.

§ 351. The overseer shall appoint and may at pleasure remove such subordinates as the common council may by ordinance provide for, and the salaries of such subordinates shall be fixed by ordinance of the common council.

§ 352. The overseer shall keep full records of all applications for city aid or relief, in suitable books to be provided for that purpose, and to be properly tabulated and indexed. He shall grant no aid or relief until after a strict investigation, made as hereinafter provided, except in case the overseer is satisfied that life or health will be endangered by any delay, and in that event aid must be furnished immediately, and the investigation made within twenty-four hours. The police department, on the requisition of the overseer, shall detail not less than two nor more than four special policemen in each year, for conducting such investigation, and other services in the department of poor, and the expenses of such police investigators, including necessary car fares and stationery, shall be expenses of the department of police, and estimated and defrayed as such. The police investigators shall be chosen with regard to their special fitness for such work. In all cases of application for aid or relief, the police investigators shall, under the direction of the overseer, immediately investigate and report with recommendation to the overseer and to the superintendent of police. It shall be the duty of the overseer to ascertain in each case whether such applicant will become a permanent charge upon the city, and, if so, to certify the same in the proper book of records, whereupon the necessary steps shall be taken by him to cause such applicant to be placed in the proper abode provided by law. The primary investigations in cases requiring hospital aid or treatment may be made by a city physician, in place of a police investigator, and his report shall be sufficient. The overseer may make such further personal examination in any case as he deems expedient, and may, in his discretion, refuse assistance in any case. The overseer may grant assistance, except hospital treatment, to persons contrary to the report of the investigating officer but in all such cases he shall enter fully in his records his reasons for so doing. No person shall receive assistance continuously for more than six months succeeding the report of an investigating officer, without

a reinvestigation and new report made in like manner as is hereinbefore provided.

§ 353. Except in case of extreme exigency, the causes for which shall be fully entered in the overseer's records, and then for not more than\* the period of one month, it shall not be lawful for the overseer to grant aid or relief to any person with whose support the city is not chargeable under the general poor laws of the state; but he shall refer all such persons to the proper state or county officer.

§ 354. The overseer shall prepare monthly a full statement showing the amount and kind of assistance granted during the previous month. He shall make a report to the common council prior to the third day of January in each year, which shall contain a summary of such monthly statements, the monthly statements, the reports of the investigating officers, and all the books and records pertaining to the department shall be systematically kept, and shall be open for examination at all times by any taxpayer of the city, and by officers of the police department, and the names and residences of all persons relieved, with other pertinent facts, shall be kept in such books and records. The overseer shall also furnish to the mayor a daily report of the aid and relief granted by him, with the names and addresses of all recipients. (*As amended by chapter 72 of the Laws of 1892.*)

§ 355. No order for aid and relief of any kind shall be given to any person under the age of thirteen years at the office of the overseer, whether it be for that person or for any other person; nor shall any such order be so given to any person of thirteen years or over and under the age of eighteen years, unless the overseer shall be satisfied that great hardship would be caused by any delay in giving such order, and in that event he shall make special entries in his books of the facts bearing on the question, as stated to him at the time, and also as disclosed by an investigation which shall immediately be made. (*As amended by chapter 72 of the Laws of 1892.*)

§ 356. The aid and relief granted under this title shall be classified as follows: (a) Orders for provisions, boots and shoes, fuel, and other necessary articles to be furnished to applicants

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\* So in original.

requiring temporary aid, designated "out-door aid." (b) Burial orders. (c) Orders for hospital aid or treatment, designated "in-door relief." In-door relief in abodes provided by law for cases requiring permanent assistance, shall be granted only by the superintendent of the poor of Erie county, or other proper state or county officer under the general laws of the state, and all cases requiring such relief shall be referred by the overseer to the proper state or county officer.

§ 357. Orders for hospital aid or treatment shall only be made upon the recommendation of a city physician, specifying the nature of the disease or injury, or, if the exigency of the case is such that a formal recommendation can not be obtained before the order is given, the case shall be personally examined and the order approved or disapproved by a city physician within forty-eight hours thereafter.

§ 358. The overseer shall contract for burials, and also for furnishing boots, shoes and fuel upon the orders furnished by him, with suitable persons, under ordinances to be enacted by the common council.

§ 359. Orders of the overseer for provisions, boots and shoes, or fuel or other outdoor aid, shall specify what nature of articles shall be furnished on the same, and the value thereof. Except where contracts have been made as provided in the foregoing section, the order shall be drawn in blank as regards the person or firm drawn upon, and they shall be valid evidence of the indebtedness against the city, in the hands of the person or firm who shall accept and fill the same.

§ 360. It shall be a misdemeanor for any person or firm to furnish beer, liquors or intoxicating drinks of any kind on an order of the overseer of the poor, or to buy such order from the person to whom it was issued, or from any other person, before it has been accepted and filled, or to furnish any article not specified or embraced therein. Such orders shall be drawn with proper blank spaces for the following entries, which shall be made thereon by the persons accepting and filling them: (1) The name of the person presenting the order; (2) the name of the person accepting it; (3) the amount and kind of articles furnished, with the prices thereof; and they shall in all cases be returned by the acceptor, or his agents or assigns, to the over-

seer, to be examined by him and entered in his books of records, and to be countersigned by him before they shall be paid by the city treasurer.

§ 361. The city physicians appointed under section two hundred and thirty-four of this act shall render all necessary medical services to indigent sick persons within their respective districts, under rules and regulations prescribed by the overseer of the poor and approved by the board of health, and subject to his directions. The officers in charge of the several police precincts of the city may issue to the several city physicians orders to visit any indigent sick person residing within their respective districts, and it shall be the duty of said city physician to so visit any such person upon receiving such order, and any indigent sick person may apply to any officer in charge of a police precinct for such an order.

§ 362. The overseer shall furnish the city physicians with official prescription blanks, which shall be used by the city physicians in prescribing medicines for the indigent sick attended by them on the order of the overseer or the officers in charge of the several police precincts, under rules and regulations prescribed by the overseer. Said prescription blanks shall be signed by the physician issuing them and shall have the same force and effect, and be accepted and filed\* in the same manner, and shall be returned and paid in the same manner as orders of the overseer for provisions issued under section three hundred and fifty-nine of this act. Such prescriptions shall be returned to the overseer of the poor within thirty days for payment.

§ 363. The city physicians shall furnish to the overseer reports weekly and whenever required by the overseer, of the names and addresses of all persons attended by them, with the nature of their ailments, the number of visits made to each, and the number and kind of prescriptions given to them.

§ 364. Any fraud practiced, or false representation made by an applicant for city aid or relief, or by any other person, to procure aid or relief to be given, or to procure any order for outdoor aid to be accepted or filled, or to be paid by the city, or any willful act of any city officer or other person, designed to impede or in any way to interfere with the just and proper administration of this department, shall be a misdemeanor.

\*So in original.

COHOES, ALBANY COUNTY.

(Note.—Overseer of the poor appointed by the common council for a term of two years at an annual salary of \$800.)

Chapter 671, Laws of 1892.

TITLE V.

§ 41. The overseer of the poor.—The overseer of the poor shall, subject to the provisions of this act, have the same powers, with the same restrictions and liabilities, as overseers of the poor of towns in the county of Albany; and, for all purposes relating to the maintenance and support of the poor, the city shall be treated as one of the towns of said county. Said overseer of the poor shall occupy an office to be provided by the common council, in some central and convenient part of the city, and shall, at the first regular meeting of the common council in each month, report to it in writing, in detail, under oath, all appropriations, expenditures, temporary relief and allowances made by him as such officer during the last preceding month. Said report shall specify the name of each person relieved, with the quantity, quality and price of each article furnished, and from whom obtained; it shall also contain the names of all persons to whom meals and lodgings have been furnished, and the number of such meals and lodgings, from whom obtained and the cost of the same. Said report shall be accompanied with the written orders given by the aldermen, as mentioned in section forty-four of this title, and with a statement of all applications not granted and the reasons therefor.

§ 42. Said overseer shall possess all the powers and authority, subject to any modifications herein, of overseers of the poor of the several towns in this state, in relation to the support of indigent persons, the binding out of children, the safe care and keeping of lunatics, the care of habitual drunkards, the binding and contracting to service of disorderly persons, the support of bastards and proceedings to charge the parents of such bastards.

§ 43. Indigent persons and such others as shall be entitled to relief under the laws of this state, who are, or who shall become chargeable or likely to become chargeable to the city, being in said city shall continue to be supported and relieved in the manner provided by law in respect to the county of Albany. All



persons applying for any such relief shall make application in writing, which applications shall be filed and preserved by the overseer of the poor and delivered monthly to the clerk. All charges and accounts against the city for services rendered, acts done or means furnished by virtue of this and the preceding section, shall be audited by the common council in the same manner and at the same time similar accounts are audited in the several towns in the county of Albany by the respective town boards; and all accounts properly chargeable against the county of Albany, shall be audited by the board of supervisors of said county of Albany, in the same manner as the accounts of towns and town officers are audited and allowed by them.

§ 44. Said overseer of the poor shall not grant medical, surgical or temporary relief, or board and lodging for any poor or indigent person, at the expense of the city, without the written order or authority, first had and obtained, of at least two aldermen, and in such case not to an amount exceeding the sum limited in such order, nor without the written petition of the applicant. Any medical, surgical or temporary relief, or board and lodging, furnished without such order or petition, shall not be a valid claim or be recovered against the city; and said common council are prohibited from auditing or allowing any such claim or account to any person whatever. For a violation of this section the common council may remove said overseer of the poor. The common council of said city shall have the power and authority to contract for and purchase at such times and in such quantities as they shall deem necessary, for the temporary relief of the poor of said city, provisions, articles and fuel, to be delivered at certain times, at the storerooms provided as herein authorized for said overseer of the poor, and at such other places as the common council of said city shall specify, or in the case of fuel, at the houses, of said poor. Said common council shall have the power and authority to provide said overseer of the poor with a suitable building or rooms for the storage of provisions and articles obtained by the said common council for the temporary relief of the poor of said city and such offices and waiting rooms, books and furniture necessary for the proper discharge of the duties conferred upon said overseer of the poor by the provisions of this act. And said overseer of the poor

shall furnish such provisions, articles and fuel to the poor of said city in such manner as he shall be directed to do by the common council of said city. (*As amended by chapter 551 of the Laws of 1899.*)

§ 45. Said overseer of the poor, in performing the duties of his office under the provisions of this act and the laws of this state, shall not furnish to any person whatever, groceries, fuel, medicines or other supplies belonging to himself or in which he is interested, nor shall he be interested in any contract for the purchase thereof from any other person, or receive any commission on the sale thereof, or be in anywise benefited by the furnishing of any such groceries, provisions, fuel, medicines, supplies or temporary relief, and shall each month make oath to that fact and present the same to the common council with his account. For a violation of this section the overseer of the poor may be removed from office by the common council after an opportunity to be heard in his defense. The common council is hereby prohibited from auditing any account or claim to such overseer for anything furnished in violation of this section after proof of such violation.

§ 46. Said overseer of the poor shall have power to examine under oath any person applying to him for relief, and false swearing during such examination shall be deemed willful perjury. He shall have the same power to settle bastardy cases within said city, as is now conferred upon superintendents of the poor. He shall receive an annual salary of eight hundred dollars.

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#### CORNING, STEUBEN COUNTY.

(Note.—Overseer of the poor appointed by the mayor with the consent of the common council for a term of two years at a salary of \$480.)

Chapter 142, Laws of 1905.

#### TITLE IV.

§ 41. The overseer of the poor shall have and exercise within said city the same powers and discharge the same duties as overseers of the poor of the towns of Steuben county. He shall receive a salary of four hundred and eighty dollars per annum,

payable monthly, and no other fee or reward. He shall have power to administer an oath to and examine under oath any person applying to him for relief, and false swearing upon or at such examination shall be deemed wilful perjury.

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§ 45. It shall be the duty of the city physician to give such surgical and medical attendance and medicine to the poor of the city as may be required of such officer by the overseer of the poor or the mayor. Such officer shall receive a salary of four hundred dollars per annum, payable monthly, and no other fee or reward.

#### CORTLAND, CORTLAND COUNTY.

(Note.—Commissioner of charities appointed by the mayor and common council for the term of two years at an annual salary of \$400.)

#### Chapter 160, Laws of 1900.

#### TITLE VIII.

#### DEPARTMENT OF CHARITIES.

Section 140. Appointment of commissioner.

141. Powers and duties of commissioner of charities.

142. Monthly report of commissioner.

143. Common council to audit accounts.

144. Commissioners not to be interested in purchases.

Section 140. Appointment of commissioners.—On or before the first day of February after the passage of this act and in each alternate year thereafter, there shall be appointed in the manner provided by this act a commissioner of charities, who shall hold office for two years from the first day of February following his appointment.

§ 141. Powers and duties of the commissioner of charities.—Except as provided by this act, the commissioner of charities of the city of Cortland shall, within the city of Cortland, have and exercise the same powers and discharge the same duties, to the exclusion of any other officer, as overseer of the poor in towns. The commissioner of charities of the city of Cortland shall also by virtue of his office, possess all the powers and authority of overseers of the poor of the several towns of

the state in relation to the support and relief of indigent persons, the binding out of children, the care of habitual drunkards, the support of bastards and proceedings to charge the fathers and mothers of such bastards, and shall have all such other powers as are conferred on overseers of the poor in the respective towns of this state, and shall be subject to the same duties, obligations and liabilities. It shall be the duty of the commissioner to visit the poor of said city at their several places of abode and examine into their circumstances, and ascertain to what extent they are or may be in need and entitled to permanent or temporary relief, or medical attendance. No physician other than the city physician shall be employed by the commissioner of charities to attend the poor of said city, unless otherwise authorized or directed by the common council. The commissioner of charities shall have power to administer oaths to, and examine under oath, any person applying to him for relief, and false swearing during such examination shall be deemed wilful perjury. For all purposes relative to the maintenance and support of the poor, the city of Cortland shall be deemed one of the towns of Cortland county. The commissioner shall issue written orders for all meals, provisions and supplies furnished to the poor of said city.

§ 142. Monthly report of commissioner.—The commissioner of charities, at the first regular meeting of the common council in each month, shall under oath report in detail to the common council all appropriations, expenditures, temporary relief, medical attendance, and allowance made by him as such commissioner during the month preceding, which report shall specify the name and place of abode of each person relieved, the quantity and price per pound, or otherwise as the case may be, of each article furnished or ordered, and from whom obtained; said report shall also contain the names and places of abode of all persons to whom meals or lodgings have been furnished, the number of such meals and lodgings, from whom obtained, or whom furnished, and the cost of the same. Said report shall be filed with the city clerk.

§ 143. Common council to audit accounts.—All charges and accounts against said city for services rendered, acts done or meals, provisions or supplies furnished under the direction of

the commissioner of charities of said city under the provisions of this act, or otherwise, shall be made out in items, duly verified, by the persons entitled to the payment therefor, and presented to the common council at the first regular meeting of said council in each month, for all claims and demands incurred or which may have accrued during the preceding month. All such claims, accounts and charges shall, if approved, be audited by the common council and paid from the poor fund of said city by the chamberlain upon the warrant of the mayor, countersigned by the clerk.

§ 144. Commissioner not to be interested in purchases.—The commissioner of charities shall not, directly or indirectly, furnish to any person, any groceries, provisions, fuel, medicines or property belonging to himself, or in which he shall have an interest or be interested, nor shall he receive any commission upon or for any goods or articles or relief furnished, or on any orders given by him for any such goods or articles of relief furnished, or on any orders given by him for any such goods, articles or relief. For any violation of any provision of this section, said commissioner shall be removed from office by the common council and he shall forfeit to said city a penalty of one hundred dollars for every such violation.

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#### DUNKIRK, CHAUTAUQUA COUNTY.

(Note.—Board of police and excise performs usual duties of overseers of the poor.)

Chapter 396, Laws of 1885.

#### TITLE XXV.

§ 8. Hereafter all moneys received by the board of police and excise from the board of supervisors of said county, as provided in section seven of this title, and from all other sources including all fines and penalties and all excise moneys received by said board for the granting of licenses, shall be deposited with the city treasurer of said city by the said board and thereupon become a part of the general fund of said city. The sole care and maintenance of all poor and indigent persons residing within the limits of said city and town, and all such persons

within said city and town limits as are now usually looked after and cared for by the overseer of the poor of the town of Dunkirk, shall hereafter devolve upon the board of police and excise of said city and town. Hereafter all the rights, powers and duties heretofore imposed or conferred by law upon the overseer of the poor in said town and said city shall, within the bounds of said city and town of Dunkirk, be vested in and become a part of the duties of the board of police and excise commissioners, which board shall be the excise commissioners of said town. The office of overseer of the poor of the town of Dunkirk is hereby abolished. Said board of police and excise commissioners, in the performance of its duties in caring for the poor of said city and town hereafter, shall have the power of employing the police of said city to assist them with reference thereto, and also such other persons as they shall deem necessary, and all necessary bills incurred by said board for the care of poor and indigent persons and all necessary expenses arising on account thereof and by reason of the performance by said board of its said duties, together with all salaries of said policemen, members of said police and excise board and all other necessary expenses of said board shall be paid monthly by the common council of said city, as the same shall be certified to by said board. In the event that the moneys received by the said common council from the board of police and excise from all sources as heretofore provided for any year shall be insufficient to pay all the said necessary expenses of said board as heretofore defined and any deficiency whatever shall result, the said common council is hereby authorized and directed after all of its said receipts from said board of police and excise shall have been applied toward the payment of the same, to borrow in the name of the city of Dunkirk at not to exceed the legal rate of interest, and in such manner as it deems proper, an amount sufficient to meet such deficiency and to pay therewith all such unpaid portion of the necessary expenses of the said board for the current year. The common council of said city shall cause such amount to be added to the next succeeding general tax of the said city and collected therewith. It shall be the duty of the receiver of taxes of said city and town, from the money first collected by him on the general tax, to pay to the city treasurer the said amount of moneys

so borrowed by said common council, with accrued interest, on account of such deficiency, who shall thereupon and therewith pay up, cancel and discharge all indebtedness so created on account of the borrowing of the amount of any such deficiency by said common council. All charges, debts or obligations hereafter occurring or accruing to or for the benefit of the county of Chautauqua and against the town of Dunkirk, for any cause whatsoever, shall hereafter be submitted by the town board of the town of Dunkirk from time to time to the common council of the said city, in the form of itemized statements, shall thereupon be paid to the town board of the town of Dunkirk by the city of Dunkirk, by warrant drawn, pursuant to a resolution of the common council upon the city treasurer for that purpose. (*As amended by chapter 303 of the Laws of 1894 and chapter 748 of the Laws of 1895.*)

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#### ELMIRA, CHEMUNG COUNTY.

(Note.—Commissioners of relief appointed by the mayor and common council for a term of two years, without compensation.)

Chapter 477, Laws of 1906.

#### ARTICLE XIII.

##### DEPARTMENT OF PUBLIC RELIEF.

Section 200. Commissioners of public relief, appointment of and terms of office.

201. Overseer of the poor, appointment, powers of.

202. Duties of commissioners of public safety; expenditures.

203. Persons disposing of articles, guilty of a misdemeanor.

204. City not liable on account of this act when not otherwise liable.

Section 200. There shall be a commission of public relief.—Within thirty days after this act takes effect, the mayor shall nominate and, by and with the consent of the common council, appoint two commissioners of public relief, one of whom shall hold office for the year nineteen hundred and six and until his

successor is appointed and qualifies, and the other of whom shall hold office for the years nineteen hundred and six and nineteen hundred and seven and until his successor is appointed and qualifies. After December thirty-first, nineteen hundred and six, the term of office of a commissioner shall be two years. The mayor and the two commissioners shall constitute the commission. The commissioners shall serve without pay. In the month of January in each year, the mayor shall nominate to the common council one candidate for commissioner of public relief.

§ 201. The commissioners of public relief shall appoint, to hold office during its pleasure, an overseer of the poor, who shall be the executive of said commission, and who shall possess, subject to the general supervision of the commission of public relief, all the powers and authority of overseers of the poor in the several towns of Chemung county, and be subject to the same duties, obligations and liabilities. He shall give a bond to the city in such penalty, in such form, and with such sureties as the commission may prescribe, for the faithful discharge of his duties. The overseer in office when this act takes effect shall serve out the term for which he was appointed. He shall receive such salary or compensation as may be fixed by the common council.

§ 202. The commission of public relief shall have the general care, management, administration and supervision of the charities the control or government of which belongs or is intrusted to the city; it shall make regulations for the expenditures of public money for the relief of the poor, and have the general supervision of such expenditures, and shall certify such accounts to the city supervisors for audit, as hereinbefore provided. It may investigate local economic conditions that affect the standard of living, and particularly the relations of employer and employed; and it shall be its duty to endeavor so to influence such conditions as to prevent, so far as possible, the increase of poverty.

§ 203. The city shall continue to be the owner of all articles or supplies furnished to any poor person or applicant until the same are consumed. If any person to whom the same shall be furnished shall sell or exchange the same for money, or intoxicating liquor, or in any way dispose of the same other than in the manner directed, such conduct shall be deemed a misdemeanor.



§ 204. Nothing contained in this act shall be deemed to make the city liable for the support or relief of any poor person when it is not otherwise so liable.

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FULTON, OSWEGO COUNTY.

(Note.—Commissioner of charities appointed by the mayor for a term of two years at a salary of \$350.)

Chapter 63, Laws of 1902.

TITLE X.

DEPARTMENT OF CHARITIES.

Section 180. Appointment of commissioner.

181. Powers and duties of commissioner of charities.

182. Monthly report of commissioner.

183. Common council to audit accounts.

184. Commissioner not to be interested in purchases.

185. Penalties.

186. Liquor not to be sold to city poor.

Section 180. Appointment of commissioner.—On or before the first day of May succeeding the first election under this act, the mayor shall appoint a commissioner of charities, who shall hold his office until the first day of January, nineteen hundred and four. Thereafter, the incoming mayor shall, on, or ten days prior to, the first day of January of each even numbered year, appoint his successor for the term of two years.

§ 181. Powers and duties of commissioner of charities.—Except as provided by this act, the commissioner of charities of the city of Fulton shall, within the city of Fulton, have and exercise the same powers and discharge the same duties to the exclusion of any other officer, as overseers of the poor in towns. The commissioner of charities of the city of Fulton shall also, by virtue of his office, possess all the powers and authority of overseers of the poor of the several towns of the state in relation to the support and relief of indigent persons, the binding out of children, the care of habitual drunkards, the support of bastards and proceedings to charge the fathers and mothers of such bastards, and shall have all such other powers as are conferred on overseers of the poor in the respective towns of the state, and shall be

subject to the same duties, obligations and liabilities. It shall be the duty of the commissioner to visit the poor of said city at their several places of abode, and examine into their circumstances, and ascertain to what extent they are, or may be, in need and entitled to permanent or temporary relief or medical attendance. No physician other than the city physician shall be employed by the commissioner of charities to attend the poor of said city, unless otherwise authorized or directed by the common council. The commissioner of charities shall have power to administer oaths to, and examine under oath, any person applying to him for relief; and false swearing during such examination shall be deemed wilful perjury. The commissioner shall issue written orders for all meals, provisions and supplies furnished to the poor of said city.

§ 182. Monthly report of commissioner.—The commissioner of charities, at the first regular meeting of the common council in each month, shall under oath report in detail to the common council all expenditures, temporary relief, medical attendance, and allowance made by him as such commissioner during the month preceding, which report shall specify the name and place of abode of each person relieved, the quantity and price per pound, or otherwise as the case may be, of each article furnished or ordered, and from whom obtained; said report shall also contain the names and places of abode of all persons to whom meals or lodgings have been furnished, the number of such meals and lodgings, from whom obtained, or by whom furnished, and the cost of the same. Said report shall be filed with the city clerk.

§ 183. Common council to audit accounts.—All charges and accounts against said city for services rendered, acts done, or meals, provisions or supplies furnished, under the direction of the commissioner of charities of said city, or for medicines furnished by order of the city physician, shall be made out in items, duly verified, by the persons entitled to the payment therefor, and presented to the common council at the first regular meeting of said council in each month, for all claims and demands incurred or which may have accrued during the preceding month; all such claims, accounts and charges, shall, if approved, be audited by the common council, and paid from the poor fund of said city.

§ 184. Commissioners not to be interested in purchases.—The commissioner of charities shall not, directly or indirectly, furnish to any person any groceries, provisions, fuel, medicines or property belonging to himself, or in which he shall have an interest or be interested, nor shall he receive any commission upon or for any goods or articles of relief furnished, or on any orders given by him for any such goods or articles or relief furnished. For any violation of any provision of this section, said commissioner shall be removed from office by the mayor, and he shall forfeit to said city a penalty of one hundred dollars for every such violation.

§ 185. Penalties.—Any violation to whom relief shall be furnished by the commissioner of charities, or the city physician, who shall sell or exchange any article or property so furnished, for intoxicating liquor, or for money, shall be guilty of a misdemeanor; and any person who shall exchange intoxicating liquor for any article so furnished as relief or charity, knowing the same to have been thus furnished to such person as a poor person, shall be guilty of a misdemeanor.

§ 186. Liquor not to be sold to city poor.—Any person who shall, either directly or indirectly, sell, or give away, to any person who is wholly or partially a charge upon the department of charities of the city, any intoxicating liquor, shall forfeit a penalty of one hundred dollars for each offense, to be sued for and recovered by the city for the benefit of the poor fund, and in addition thereto shall be guilty of a misdemeanor.

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#### GENEVA, ONTARIO COUNTY.

(Note.—Commissioners of charity appointed by the mayor for a term of six years. No compensation.)

Chapter 360, Laws of 1897.

#### TITLE VIII.

##### OF THE BOARD OF CHARITIES.

§ 75. The commissioners of charities shall constitute the board of charities. They shall organize before the tenth day of January next succeeding their appointment by the election of one of *their number* president, who shall hold office for one year and

until his successor is appointed by the board. The commissioners first appointed under this act shall be appointed for two, four and six years respectively, and thereafter on the expiration of the term of any commissioner his successor shall be appointed for the term of six years. The commissioners shall serve without pay. The board shall have the power to determine and prescribe its own rules of procedure and regulations for the conduct of its department, and shall convene in such regular or special meeting as shall be necessary to the proper performance of the duties imposed upon it.

§ 76. The board of charities shall have all the powers now conferred and imposed upon overseers of the poor of towns in the county of Ontario, and shall have such other powers and duties, not inconsistent with the provisions of this act, or the other laws of this state, as may be prescribed by the ordinances of the common council. The board of charities shall appoint, to hold office during its pleasure, an agent who shall receive compensation as now provided by law for overseers of the poor in towns, to be approved by the board of charities and audited and paid by the county of Ontario in like manner as overseers of poor in said county, and who shall, under the direction and control of the board, dispense alms and relief to the poor within the city, and administer any charities committed to the jurisdiction of the board. (*As amended by chapter 614 of the Laws of 1899.*)

§ 77. The overseer of the poor shall give a bond in such form, for such amount, and with such sureties as shall be prescribed by the board of charities for the faithful performance of his duties, and he shall have power to examine, under oath, any person applying for relief.

§ 78. Any person to whom relief shall be furnished by such board, who shall sell or exchange any article or property furnished him by the board for intoxicating liquor or for money, shall be guilty of a misdemeanor; and any person who shall exchange intoxicating liquor for any article so furnished as relief or charity, knowing the same to have been thus furnished to such person as a poor person, shall be guilty of a misdemeanor.

## GLOVERSVILLE, FULTON COUNTY.

(Note.—Commissioner of charities elected for a term of two years at a salary of \$750.)

Chapter 275, Laws of 1899.

## TITLE XII.

## COMMISSIONER OF CHARITIES.

- Section 225. Commissioner of charities, his powers and duties.  
226. Salary, oath, bond, et cetera, of commissioner.  
227. Visitation and care of poor.  
228. Application for relief.  
229. Monthly report to common council.  
230. Charities accounts and the audit thereof.  
231. Disbursement of funds.  
232. Commissioner not to be interested in furnishing supplies, et cetera.  
233. Report of balance of charities fund.  
234. Employment of physicians.

Section 225. Commissioner of charities, his powers and duties.  
—Except as otherwise provided by this act the commissioner of charities of the city of Gloversville shall have and exercise within said city the same powers and discharge the same duties to the exclusion of all other officials as overseers of the poor in the several towns of Fulton county, except the town of Johnstown. Said commissioner shall also possess all the powers and authority of the overseer of the poor in the several towns of the state in relation to the support or relief of indigent persons and the binding out of children, except as modified by this act; and shall have and exercise all such other powers and duties as are conferred on overseers of the poor in the respective towns of this state by the general poor law thereof. He shall have the same power and exercise the same duties within said city as overseers of the poor and county superintendents of the poor have in relation to bastards and the bringing of prosecution and settlement in bastardy cases. Except as herein otherwise provided, the city of Gloversville shall be deemed one of the towns of Fulton county for all purposes relating to the maintenance and support of the poor.

CONSTITUTIONAL PROVISIONS, LAWS, BY-LAWS AND RULES. 323.

§ 226. Salary, oath, bond, et cetera, of commissioner.—The commissioner of charities of said city shall receive for his services an annual salary of seven hundred fifty dollars, to be paid monthly by orders of the common council upon the chamberlain, and paid out of the charities fund of said city. Before entering upon the duties of his office he shall take and subscribe the constitutional oath of office and file the same with the city clerk, and execute to said city a bond, with two or more sureties, to be approved by the common council, in the penalty of five thousand dollars, conditioned for the faithful discharge of the duties of his office. (*As amended by chapter 346 of the Laws of 1903.*)

§ 227. Visitation and care of poor.—It shall be the duty of the commissioner to visit the poor of said city at their several places of abode and examine into their circumstances and ascertain to what extent they are or may be in need and entitled to permanent or temporary relief. He shall have the sole and exclusive care and management of the affairs of said city in relation to the care and support of the poor, except as otherwise provided in this act, and for all purposes relating to his office and duties the city of Gloversville shall be one of the towns of Fulton county.

§ 228. Application for relief.—The said commissioner shall require all persons making application for relief to make such application in writing, which shall be preserved by said commissioner, and at the end of each month all such applications made during the month shall be filed with the city clerk.

§ 229. Monthly report to common council.—Said commissioner shall at the first regular meeting of the common council in each month report to the common council under oath, in detail, all appropriations, expenditures, temporary relief, and allowances made by him as such commissioner during the month preceding; which report shall specify the name and place of abode of each person relieved, the quality, quantity, and price per pound, or otherwise as the case may be, of each article ordered or furnished and from whom obtained; said report shall also contain the names and abode of all persons to whom meals or lodgings have been furnished, the number of such meals and lodgings, from whom obtained, or by whom furnished, and the cost of the same.

§ 230. Charities accounts and the audit thereof.—All charges and accounts against said city for services rendered, acts done, or means, provisions, or supplies furnished under the directions of the commissioner of charities of said city under the provisions of this act or otherwise, shall be made out in items, duly verified, by the persons entitled to the payment therefor and presented to the common council at the first regular meeting of said council in each month for all claims and demands incurred or which may have accrued during the preceding month. All such claims, accounts, and charges shall be audited and paid by the common council.

§ 231. Disbursement of funds.—The commissioner of charities shall disburse the funds for the aid of the poor of said city by orders signed by himself and drawn upon the chamberlain of the city, and all provisions of this act relating to the orders of the common council shall, so far as practicable, be applicable to the orders of the commissioner of charities.

§ 232. Commissioner not to be interested in furnishing supplies, et cetera.—The commissioner of charities shall not, directly or indirectly, furnish to any person whatever, any groceries, provisions, fuel, medicines, or property belonging to himself, or in which he shall have an interest, or be interested; nor shall he be interested in any contract for the purchasing of such groceries, provisions, medicines, fuel, or property; nor shall he receive any commissions upon or for any goods or articles or relief furnished, or on any orders given by him for any such goods, articles, or relief; and for violation of any provision of this section said commissioner shall be removed from office by the common council, and he shall forfeit to said city a penalty of one hundred dollars for every such violation.

§ 233. Report of balance of charities fund.—The chamberlain shall, from time to time, upon the request of the commissioner of charities, report to him the amount of any balance that may be in his hands to the credit of the charities fund of said city.

§ 234. Employment of physicians.—The commissioner of charities shall not employ any physician other than those appointed by the common council.

**HORNELL, STEUBEN COUNTY.**

(Note.—Overseer of the poor elected for a term of two years at a salary of \$720.)

Chapter 288, Laws of 1906.

**TITLE IV.**

§ 58. The overseer of the poor shall have and exercise within said city the same powers and discharge the same duties as overseers of the poor of the towns of Steuben county, and shall receive for his services the sum of sixty dollars per month to be paid monthly by the common council of said city, and no other fee or reward. He shall make an itemized report in writing to the common council on the first day of each month of all assistance furnished by him in providing for the poor of said city, giving the names of all such persons, and the kind and nature of assistance rendered; the names of all persons sent to the Saint James Mercy Hospital, date of sending and date of their discharge, and all cases retained in the hospital beyond sixty days shall be reported as renewed certificates. For a failure to make such report each time he shall forfeit to the said city the sum of fifty dollars. He shall have power to administer an oath to and examine under oath any person applying to him for relief, and false swearing upon or at such examination shall be deemed wilful perjury.

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**HUDSON, COLUMBIA COUNTY.**

(Note.—Commissioners of public charities appointed by the mayor for a term of three years. No compensation.)

Chapter 751, Laws of 1895.

**TITLE XXVIII.**

**COMMISSION OF PUBLIC CHARITIES.**

§ 191. The commission of public charities of the city of Hudson shall be composed of the commissioners of public charities, shall be a body corporate and shall have power to sue and defend in all courts. No member of the common council shall be a commissioner of public charities. Neither shall any person be appointed to the office, who, at the time of such appointments,



shall be engaged or interested in business as a grocer, saloon keeper, or hotel keeper, or in any wise concerned in the manufacture or sale of spirituous or malt liquors, ale or beer, and in case any person appointed to the office shall, during his term, become engaged or interested in either of the occupations above specified, his term of office shall thereupon cease, and the office become vacant, and the mayor shall forthwith appoint another in his place.

§ 192. The commission of public charities is hereby invested with all the powers and duties now or hereafter to be prescribed and provided by the general statutes of the state of New York, relating to overseers of the poor in towns, so far as the same are applicable and not inconsistent with this act. It shall have power to purchase provisions, stores, medicines and supplies to be by it distributed, and supplied to the deserving poor of the city. All such articles so purchased and used shall be sound, unadulterated and of good quality. It shall have power to employ a physician to render medical assistance to the deserving poor of the city. He shall receive a salary to be fixed by the said commission, which shall be paid out of the amount annually appropriated for the uses and purposes of the commission. It shall, from the amount raised by tax for its uses and purposes, pay to the Hudson city hospital, in each year, on account of the deserving poor of the city who may, while sick from time to time receive maintenance, support, care and treatment in said hospital, the sum of one thousand dollars. (*As amended by chapter 559 of the Laws of 1905.*)

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#### ITHACA, TOMPKINS COUNTY.

(Note.—Overseer of the poor appointed by the mayor for a term of two years; compensation fixed by the common council.)

Chapter 429, Laws of 1892.

#### TITLE IV.

§ 17. Except as otherwise provided by law, the overseer of the poor of said city shall possess all the powers and authority of overseers of the poor in the several towns of this state, and shall be subject to the same duties, obligations and liabilities,

and for the purpose of his office, the city of Ithaca shall be treated in the same respect as a town would be. If it shall appear to the overseer of the poor of said city, that any person applying to him for relief, requires only temporary relief, or is so disabled that he can not safely or conveniently be removed to the county almshouse, such overseer may pay, or contract to pay or expend, such sum for the temporary or other relief of such poor person as the circumstances shall require, which sum shall be a city charge and shall be paid to such overseer out of the city poor relief fund, when such poor person is a city charge; but if a county charge, the overseer shall be entitled to receive the amount thereof from the county treasurer, to be by him charged to the county, but no greater sum than twenty dollars shall be contracted for, expended or paid by him for the relief of any one poor person or family, without the written approval of the superintendent of the poor of the county of Tompkins. Such overseer of the poor may employ a city physician for the purpose of medical care and attendance of the poor of the city, who are a city charge, for such period, not exceeding one year, and not beyond his own term of office, and at a salary not exceeding the rate of five hundred dollars per year, which shall be a city charge and paid out of the city poor relief fund. The employment of a physician by the overseer of the poor of the city of Ithaca, for one year from March twenty-seventh, eighteen hundred and ninety-three, at an annual salary of two hundred and fifty dollars, is as valid as if expressly authorized by law, and such sum so agreed to be paid shall be a city charge and shall be paid from the city poor relief fund. (*As amended by chapter 381 of the Laws of 1894.*)

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#### JAMESTOWN, CHAUTAUQUA COUNTY.

(Note.—Overseer of the poor elected for a term of two years at a salary of \$600.)

Chapter 84, Laws of 1886.

#### TITLE IV.

§ 15. The overseer of the poor elected or appointed under this act shall exercise the same powers and discharge the same duties

in and for said city as overseers of the poor of the towns in Chautauqua county, except that in giving local relief to the poor of said city and in the expenditure of all moneys for such purposes he shall be subject to the control of the common council of said city as it may by ordinance or resolution prescribe, and the overseer of the poor in making all purchases for the local relief of the poor of said city shall also be subject to the control of said common council by resolution or ordinance and its approval. All of his accounts and expenditures and purchase for such local relief shall be by him presented to the common council by a written report duly verified. All other claims and accounts presented against said city by any person for poor relief shall be duly verified, and by said common council acted upon as other bills and claims against said city as provided by section seven of title three, and if approved the same shall be paid by warrants signed by the mayor and clerk upon the treasurer and against the poor fund. The common council of said city may, from time to time, employ such person or persons as it may deem necessary and proper in the interest of the city to examine into the relief of the poor and to assist in determining what person or persons shall be recipients of relief and to fix the compensation of such person so employed and pay the expense thereof from the poor fund. The overseer of the poor of said city shall receive an annual salary of six hundred dollars, to be paid monthly from the poor fund. Any fraud practiced, or false representation made by an applicant for city aid or relief, or by any other person, to procure aid or relief to be given, or to procure any order for outdoor aid to be accepted or filled, or to be paid by the city, or any willful act of any city official or other person, designed to impede or in any way to interfere with the just and proper administration of this department, shall be a misdemeanor. (*As amended by chapter 496 of the Laws of 1895.*)

#### TITLE V.

##### Section 4.     \*     \*     \*     \*     \*     \*     \*

3. The moneys collected and received by the excise commissioners of said city for the granting of licenses for the sale of intoxicating liquors, shall be paid by them upon receipt thereof

to the treasurer of the city of Jamestown, to be by him placed into a fund to be known as the poor fund, and to be used for defraying the expense of local relief to the poor of the city, and the common council shall transfer from the general fund to the poor fund the moneys received for granting licenses in pursuance of the excise law for the year eighteen hundred and ninety-five. The common council shall have the power, and it shall be their duty, to raise by tax, in each year, such further sum as may, in its opinion, be necessary, in addition to the moneys collected, received and paid by the excise commissioners into the poor fund, to defray the expense for the local relief of the poor of said city by the overseer of the poor and for no other purpose. *(As amended by chapter 496 of the Laws of 1895.)*

#### JOHNSTOWN, FULTON COUNTY.

(Note.—Commissioner of charities appointed by the mayor for a term of two years at a salary of \$240.)

Chapter 593, Laws of 1905.

#### ARTICLE XI.

##### CITY PHYSICIAN; CHARITIES.

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 § 251. City physician and health officer.—The city physician shall, under the direction of the commissioner of charities, visit such of the poor of the city as may be ill, at their places of abode, and give them medical attention and care, and supply them or cause them to be supplied with such medicines as their condition may require. He shall be allowed for all medicines furnished by him to the poor of the city. All medicines furnished by other persons upon his order or the order of the commissioner of charities, shall be audited and paid from the poor fund of the city. The city physician shall be the health officer of the city and as such shall have the powers and perform the duties prescribed by law.

§ 252. Powers and duties of the commissioner of charities.—Except as otherwise provided by this act, the commissioner of charities of the city of Johnstown, shall have and exercise within the city of Johnstown the same powers and discharge the same duties, to the exclusion of any other officer, as overseers of the

poor in the several towns, except the town of Johnstown, in Fulton county. The commissioner of charities shall have all the powers and authority of overseers of the poor of the several towns of this state in relation to the support and relief of indigent persons, the binding out of children, the care of habitual drunkards, the binding out and contract for the service of disorderly persons, and the same powers as overseers of the poor and county superintendents of the poor have in relation to the insane, the support of bastards and proceedings to charge the fathers and mothers of such bastards, and all such other powers as are conferred on overseers of the poor in the respective towns of this state, and shall be subject to the same duties, obligations and liabilities. He shall keep his office in some central and convenient part of the city, to be approved by the common council. He shall visit the poor of the city at their several places of abode and examine into their circumstances, and ascertain to what extent they are or may be in need and entitled to permanent or temporary relief. He shall require all persons making application for relief to make such application in writing, which shall be preserved by said commissioner, and at the end of each month all such applications made during the month shall be filed with the city clerk. He may administer oaths to and examine under oath any person applying to him for relief. For all purposes relating to the maintenance and support of the poor, the city of Johnstown shall be deemed one of the towns of Fulton county. The commissioner shall issue written orders for all means, provisions and supplies furnished to the poor of said city. He shall not employ any physician other than the city physician appointed by the common council, except where immediate surgical relief is required.

§ 253. Expenditures for support of poor.—All the expenses for the support and relief of the poor persons of the city of Johnstown incurred under the provisions of this article, and all expenses properly chargeable under any other act against the city for the support and relief of poor persons shall be paid out of the poor fund, and no other expenditures shall be made therefrom except as otherwise provided in this act.

§ 254. Monthly reports of commissioner.—Said commissioner shall at the first regular meeting of the common council in each

month, report to the common council under oath in detail, all appropriations, expenditures, temporary relief and allowances made by him as such commissioner during the month preceding, which report shall specify the name and place of abode of each person relieved, the quality, quantity and price per pound, or otherwise as the case may be, of each article ordered or furnished, and from whom obtained; said report shall also contain the names and places of abode of all persons to whom meals or lodgings have been furnished, the number of such meals and lodgings, from whom obtained, or by whom furnished, and the cost of the same. Said report shall be filed with the city clerk.

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KINGSTON, ULSTER COUNTY.

(Note.—Commissioners of the almshouse appointed by the mayor for a term of three years. Compensation fixed by the common council.)

Chapter 747, Laws of 1896.

TITLE VII.

OF THE COMMISSIONERS OF THE ALMSHOUSE.

Section 75. Terms and appointment.

76. Powers defined.

77. General powers.

78. Duties of superintendent.

79. Annual account.

80. Annual estimate.

81. City a separate district.

Section 75. The commissioners of the almshouse in office, and their successors, shall constitute a department of the city government and be designated "the commissioners of the almshouse of the city of Kingston," and may sue and be sued by that title as if a corporation. The term of office of commissioner shall be three years. Appointments, in case of vacancy therein, shall be for the unexpired term and at the expiration of a term for three years.

§ 76. Such department shall have the sole and exclusive management of the poor who are by law chargeable against said city;

the power and authority vested in overseers of the poor of town and superintendents of the poor of counties, except as modified by this act; have the possession and be custodian of the almshouse and all property therein contained and all lands, premises and improvements thereon which may hereafter be acquired for the maintenance of the poor. The title of such lands shall vest in the city of Kingston and the commissioners of the almshouse are directed within thirty days after the passage of this act, to convey to said city all lands and premises to which they have acquired title.

§ 77. Such department may:

1. Appoint one of said commissioners president; establish rules and regulations for the government of the department and its superintendent, agents and servants, and for the examinations of persons applying for or entitled to relief, or admission to the almshouse and for the distribution of food, fuel, clothing and other necessities among the city poor.

2. Appoint a superintendent of the almshouse and such other agents and servants as may be necessary, who shall hold office during the pleasure of the department and receive such salary as shall be fixed by it.

3. Visit the poor at their places of residence and make such examination of their circumstances as it shall deem proper.

4. Contract with the city of Kingston hospital for the medical and surgical treatment of the city poor thereat and expend therefor forty-five hundred dollars per annum, or so much thereof as may be necessary. (*As amended by chapter 91 of the Laws of 1900.*)

5. Prosecute all actions and proceedings maintainable by overseers of the poor of towns and superintendents of the poor of counties. Bonds required by law in bastardy proceedings and in relation to bastards shall be given to said department.

6. Prosecute actions and proceedings to recover against any municipality the amount expended by it in supporting and maintaining any poor person properly chargeable to such municipality.

7. Appoint such competent practicing physicians as may be necessary to render surgical and medical services to the city poor.

8. Prosecute actions and proceedings to compel the relatives of poor persons to support them or recover the amount expended for the same.

§ 78. The superintendent of the almshouse shall keep an office, to be provided by the department, which shall be open and accessible to all persons having business therein at such hours as the rules determine. He shall attend the meetings of the commissioners of the almshouse; be the secretary thereof and keep the record thereof; keep an account of the receipts and disbursements of the department, including warrants drawn upon the treasury, the number and amounts thereof; the names of persons relieved, the manner and date thereof; prepare the annual report of the department and such other reports as may be required of it; carry into effect the order and directions of the department and perform all other duties lawfully required of him.

§ 79. The department shall, on the first day of November of each year, prepare a report showing an exact and accurate account of all moneys received by it during the preceding year; all expenditures for the same period of time and the reason for such expenditures; to whom paid; the number of persons admitted to and discharged from the almshouse; the number of persons supplied with outdoor relief; the cost thereof and of keeping the almshouse. The report shall be signed and verified by the commissioners and superintendent, filed in the office of the city clerk and published in the official papers.

§ 80. The department shall, on the first day of November of each year, furnish the mayor with a written statement of the balance to the credit of the department and an estimate of the amount, not exceeding twenty thousand dollars, which will be required for the support of the poor of said city for the ensuing year. Such statement shall be signed by the commissioners and presented by the mayor to the common council together with other city estimates. The common council may reduce such estimate, or approve the same as presented, and when approved the amount thereof shall be levied and collected the same as other city taxes.

§ 81. The said city, for the purpose of supporting the poor within its limits and carrying into effect the law for support and relief



of indigent persons, deaf-mutes, blind, insane and idiotic persons of said city shall be a separate and distinct district. The city shall not hereafter be subject to any quota of county charges for the support of such persons, nor shall any portion of the county of Ulster, without the limits of said city be taxed or required to contribute to the support of such persons within said city.

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#### LITTLE FALLS, HERKIMER COUNTY.

(Note.—Commissioners of charities, except the mayor, who is a member ex officio, appointed by the mayor and common council for a term of four years. No compensation.)

#### Chapter 565, Laws of 1895.

#### ARTICLE VII.

##### THE CITY BOARD OF CHARITIES.

Section 130. Organization and procedure of the city board of charities.

131. Rules and regulations of the city board of charities.

132. General powers and duties of the city board of charities; overseer of the poor.

133. Audit and expenditures by city board of charities; payments from poor funds.

Section 130. Organization and procedure of the city board of charities.—The mayor of the city shall be president of the city board of charities, but shall have no vote as a member thereof. Said board of charities shall elect one of its members to be its vice-president, who shall be the presiding officer of the board in the absence of the mayor. Three members of the board shall constitute a quorum, but no action of the board shall be taken except by the concurring votes of at least three members of the board. The board shall cause to be kept by its clerk a journal of the proceedings, full and accurate accounts and records of all moneys appropriated, expended or audited by it, all officers appointed, suspended or removed by it, of all liabilities incurred by it in behalf of the city and of all matters pertaining to the execution of the duties of the board.

§ 131. Rules and regulations of the city board of charities.—The city board of charities may make rules and regulations, not inconsistent with law, for the conduct of its business and of the business of the overseer of poor, and for the performance of all work authorized to be undertaken by it.

§ 132. General powers and duties of the city board of charities; overseer of the poor.—The city board of charities shall have the general management and control of the poor department of the city. The board may secure, by renting, suitable grounds and buildings for the use of the poor department for a term not exceeding three years, and may purchase supplies for the relief of the poor for a term not exceeding one year. Said board shall also appoint at an annual salary to be fixed by it, not exceeding five hundred dollars a year, a competent practicing physician for each fiscal year, whose duty it shall be to render medical and surgical services and attendance to the city poor and perform such other services as said board shall direct. Said board may authorize the temporary care, maintenance and treatment of any sick or injured person at any hospital within the city and audit and allow the expense thereof; and if the maintenance of such sick or injured person, would as a poor person be chargeable to any other city, town or county or to the state, under general laws, the expense of such temporary care, maintenance and treatment shall be repaid to the city by such other city, town or county or by the state, as the case may be, in the manner provided by general laws. Otherwise than is in this act provided said city shall be deemed to be a town within all the provisions of general laws relating to the poor; and the overseer of the poor of the city shall have the same power and authority, and be subject to the same duties and liabilities as if said city were a town, and he were the overseer of the poor thereof. The overseer of the poor shall have power to administer oaths and take affidavits in all matters pertaining to the duties of his office, and to elicit statements of fact from applicants for relief.

§ 133. Audit of expenditures by city board of charities; payments from poor fund.—Payments of money by the overseer of the poor, to or for the support of the poor, shall be made by warrant on the treasurer, signed by the overseer of the poor, specifying that it is payable from the poor fund. The salary of the overseer

of the poor and all orders for supplies issued by the overseer of the poor, and expenditures for supplies made or incurred by the city board of charities shall be audited by the board and shall be paid by the treasurer, upon a warrant signed by the vice-president of the board and countersigned by the clerk thereof, specifying that it is payable from the poor fund. (*As amended by chapter 199 of the Laws of 1898.*)

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#### LOCKPORT, NIAGARA COUNTY.

(Note.—Overseer of the poor elected for the term of one year. Salary \$600.)

Chapter 120, Laws of 1886.

#### TITLE V.

§ 61. The overseer of the poor shall, before entering upon the duties of his office give a bond to the said city of Lockport, in such penal sum as may be fixed by the common council, not less than four thousand dollars, and the common council may at any time when it shall deem the best interests of the city require it, by a written notice to be served on said overseer of the poor, require him within a time named in said notice, not less than ten days after service of the same, to give such further and additional bond or bonds to said city in such penal sum or sums, and with such sureties and conditions as the common council may deem necessary to protect the interests of the city, and thereupon said overseer of the poor shall within the time so limited give such additional bond or bonds. For all services under this act such overseer of the poor shall be entitled to receive a salary of six hundred dollars per annum, payable from the poor fund, monthly, by order on the city treasurer. Said overseer shall keep his office at such place as the common council may direct. (*As amended by chapter 571 of the Laws of 1887.*)

§ 62. It shall be the duty of the overseer of the poor personally to investigate the character, habits, location of residence, conditions and necessities of all applicants for assistance and relief, the results of which shall be recorded in a proper book to be kept for that purpose. He shall not allow or pay any bill, account or claim for supplies furnished by any dealer, merchant or other

person, unless the claimant, his agent or legal representative annex thereto an affidavit of such claimant, agent or representative, stating that the bill or account is just and correct, that the items charged therein and specified in each accompanying order for supplies or relief have been in fact and good faith furnished by the claimant to the person named in the order and to no other person, and that no part thereof has been paid or satisfied, and that there are no offsets thereto; nor for compensation, expenses or services, unless the affidavit shall state that the account is just and correct and that no part thereof has been paid or satisfied, and there are no offsets thereto. He shall take up and preserve all orders, bills, accounts and vouchers of his expenditures and payments, and exhibit the same with his books and files to the common council whenever directed so to do. He shall report to the common council at its first meetings in January, April, July, and October, in each year, a detailed statement of all his receipts and disbursements for the three months next preceding that in which such report is made, showing the money on hand at the beginning and end of the quarter, and date and amount of each order or payment for temporary relief, and the person to whom made or given, and all his other disbursements in like detail. Said report shall be verified by his oath taken before some proper officer, that the same is, and the items thereof are, correct to the best of his knowledge and belief. If said report is not sufficiently explicit the common council may call for a further report, which the overseer shall immediately furnish. Except as herein otherwise provided, said overseer shall have the same powers and duties, liabilities and responsibilities, as overseers of the poor in the towns of Niagara county, in all matters pertaining to the maintenance and support of the poor in said city, and as to those matters the city shall be regarded as a town of said county. Upon receiving said report the common council shall refer it to some proper committee, which shall proceed without delay to carefully investigate and examine said report and the vouchers thereof, and the books of said overseer; and for that purpose the committee shall have power to send for persons or papers, and examine said overseer and any other person or persons, under oath, in respect to any matter or thing in the premises.

Such committee shall report to the common council, favorably or adversely, in whole or in part, with its reasons and recommendations, and the common council shall thereupon proceed to consider and audit the account of said overseer, and shall have all the powers, duties and responsibilities of a board of town auditors in the premises. The affidavits annexed to said overseer's report, or to any of said bills, accounts or vouchers, shall not be conclusive upon the common council in case it shall appear that any claim or item in said report is illegal, unjust or improper, in whole or in part, but in such case such item or portion thereof shall be disallowed, and said overseer and his surety shall be liable for the amount thereof. The common council shall cause each of said reports of the overseer of the poor to be published in full, except the names of the persons to whom orders for temporary relief were given, as a part of the proceedings of the meeting at which the same is made. (*As amended by chapter 222 of the Laws of 1902.*)

§ 63. The common council shall, at some regular meeting thereof in the month of September in each year, make an estimate of the sum which it shall deem necessary for the temporary relief and support of the poor in said city for the ensuing fiscal year, and to supply any deficiency in the preceding year, and shall cause such estimate to be laid before the board of supervisors of Niagara county at its then next annual meeting. The board of supervisors shall cause the said sum to be levied and collected in said city in the same manner and together with the other taxes by it levied therein, and such sum shall be retained by the city treasurer on his settlement with the county treasurer, and paid over to the overseer of the poor from time to time as the common council may direct.

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#### MIDDLETOWN, ORANGE COUNTY.

(Note.—Board of charities composed of mayor and supervisors, ex officio.)

Chapter 572, Laws of 1902.

#### TITLE XI.

§ 204. The mayor and supervisors of said city shall compose the commissioners of charities of said city. They shall have the *general* care, management, administration and supervision of

the charities of the city and shall appoint an overseer of the poor who shall give a bond to the city in such penalty, in such form and with such sureties as the commissioners may prescribe and approve, for the faithful discharge of his duties.

§ 205. The overseer of the poor, subject to the regulations and supervision of the commissioners, shall possess all the powers and authority of overseers of the poor in the several towns of Orange county, and be subject to the same duties, obligations and liabilities; he shall have power to examine under oath any person applying for relief.

§ 206. If, after providing for the temporary relief of the city's poor, there is a surplus in the excise fund it may by a vote of the common council be devoted to the payment of the indebtedness on account of the purchase of a city hall site; and if, on November first of any year, there is a surplus to the credit of the excise fund and the city of Middletown is still a part of the Orange county poor district, said surplus shall be applied to the payment of the city's share of the money to be raised for the county poor fund, the common council of said city shall certify to the board of supervisors of Orange county that the city's excise fund is sufficient to pay all or any portion of the city's quota of the county poor fund, and on the receipt of such certificate, the supervisors of Orange county shall deduct from the sum apportioned to said city for county poor purposes the amount specified in said certificate, and instead of being raised by tax such amount shall be paid from the excise fund.

§ 207. If at any time, after paying for the support of the city's poor and the city's share of the Orange county poor fund, there shall still be a balance in the excise fund, said balance may, by vote of the common council, be applied to the redemption of any tax certificates issued for schoolhouse purposes that may be outstanding and if there be no such certificates, then it shall be used to pay whatever annual appropriation is made for the maintenance of Thrall hospital and it may be used for such other public purposes as the common council may direct.

§ 208. All acts and parts of acts inconsistent with the provisions of this title of this act are expressly repealed.

§ 209. Said commissioners of charities shall have the same powers to make application to the county superintendents of the

poor of Orange county as can now be made by law by overseers of the poor and supervisors of towns.

Chapter 363, Laws of 1903.

AN ACT for the better support of the poor in the city of Middletown.

Section 1. The city of Middletown in the county of Orange shall hereafter be a separate poor district. Said city shall not hereafter be subjected to taxation for the support or maintenance of the poor of or in any other city or town of the county of Orange; nor shall said city be taxed for or required to pay any part of the salaries of the county superintendent of the poor of the county of Orange, but such salaries shall be a charge against and paid out of the fund provided for the support and maintenance of the poor in poor district number one of the county of Orange. The several cities and towns of the county of Orange other than the city of Middletown are hereby declared to be wholly exempt from all tax, assessments or contributions for the support of the poor of said city of Middletown. The city of Middletown for all the purposes of supporting the poor within its limits and carrying into effect the laws of the state for the support and relief of poor and indigent persons shall be a separate and distinct district and shall be known as poor district number three of said county of Orange.

§ 2. All the provisions of the revised statutes in relation to the settlement of the poor, and their removal from one county, or poor district to another, shall apply to said city of Middletown.

§ 3. The commissioners of charities or the superintendent of the poor acting under their direction shall have the same powers and authority as overseers of the poor of towns and superintendents of the poor in counties, in the management of the poor affairs of the city of Middletown.

§ 4. The commissioners of charities have power to contract for the care and maintenance of its poor and indigent at any public institution with which it can enter into a contract and they are also authorized to contract with the superintendents of the poor of the county of Orange or any other county and pay the charges

agreed upon quarterly. The superintendents of the poor of any county in this state and the superintendent of any almshouse are hereby authorized to so contract with said commissioners of charities. And the said commissioners of charities are also authorized and empowered to make contracts if they deem it proper and best for the support, care and maintenance of poor and indigent persons from places outside of the city of Middletown.

§ 5. All acts relating to the care, management and maintenance of the poor of the city of Middletown, inconsistent with the provisions of this act are hereby repealed.

§ 6. The said city of Middletown in its corporate capacity shall have full power to maintain or defend any action provided for by the general poor laws of the state.

§ 7. The supervisors of Orange county shall annually levy upon the taxable property of the city of Middletown such sum or sums of money as may be certified by the commissioners of charities of said city as necessary for the support of the poor for the current year.

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#### MOUNT VERNON, WESTCHESTER COUNTY.

(Note.—Commissioner of charities appointed by mayor and common council for a term of two years. Compensation \$600 per annum.)

#### Chapter 182, Laws of 1892.

#### TITLE XI.

#### OF THE POOR.

§ 227. All laws now in force not inconsistent with the provisions of this act, applicable to overseers of the poor in towns, shall apply to the commissioner of charities, and such commissioner of charities shall have and possess all powers which overseers of the poor of towns now have, or which may hereafter be conferred upon them.

§ 228. The common council may by ordinance prescribe the duties of such commissioner of charities in relation to the temporary aid and assistance to the poor, and may appropriate such moneys for such purpose as it shall deem proper.



**NEWBURGH, ORANGE COUNTY.**

(Note.—Commissioners elected for a term of four years. No compensation.)

**Chapter 44. Laws of 1853.**

**AN ACT** for the better support of the poor in the town of Newburgh, in the county of Orange.

Section 1. The city and town of Newburgh shall not hereafter be subjected to taxation for the support or maintenance of the poor of or in the other towns of the county of Orange; nor shall said city and town of Newburgh be taxed for or required to pay any part of the salaries of the county superintendents of the poor of the county of Orange, and after the passage of this act the salaries of such county superintendents of the poor shall not be paid from the "general fund" of the county of Orange, but the same shall be a charge against and paid out of the fund provided for the support and maintenance of the poor of the county of Orange, exclusive of the city and town of Newburgh, and the other towns of the county of Orange shall not be taxed or required to contribute for the support of the poor of or in the city or town of Newburgh; but the said city and town of Newburgh, for all the purposes of supporting the poor within their respective limits, and carrying into effect the laws of the state for the support and relief of indigent persons, shall be a separate and distinct district. (*As amended by chapter 369 of the Laws of 1893.*)

§ 2. The corporation heretofore known as the commissioners of the almshouse of the city and town of Newburgh, shall hereafter be known as the commissioners of the home of the city and town of Newburgh. For the purpose of carrying into effect the provisions of this act, the six commissioners heretofore elected in the city and town of Newburgh, as commissioners of almshouse of the city and town of Newburgh, shall hold office as commissioners of the home of the city and town of Newburgh, until the term for which they were elected shall expire, and thereafter six commissioners of said home shall be nominated and elected, four in said city and two in said town, as other officers therein are elected. They shall be divided into three classes, and hold their

offices for the periods following, that is to say: the two commissioners of the almshouse elected in the town of Newburgh, shall hold office as commissioners of said home until their terms expire. Two commissioners of said home shall be nominated and elected by the electors of the said town at the annual town meeting held in the year nineteen hundred and five, in the same manner as other town officers are elected, and they shall be nominated and elected for the term of two years from the said first day of March, nineteen hundred and six. Two commissioners of the said home shall be nominated and elected by the electors of the said city at the annual election preceding the first Tuesday of April, nineteen hundred and six, in the same manner as other city officers chosen by the people are elected to take the place of the commissioners whose terms will expire on said first Tuesday of April, nineteen hundred and six, and who shall hold office for the term to expire on the first day of March, nineteen hundred and ten. Two commissioners of the said home shall be nominated and elected by the electors of the said city, at the annual election preceding the first Tuesday of April, nineteen hundred and seven, in the same manner as other city officers chosen by the people are elected, to take the place of the commissioners whose terms will expire on said first Tuesday of April, nineteen hundred and seven, who shall hold office for the term to expire on the first day of March, nineteen hundred and eleven. Two commissioners of the said home shall be nominated and elected by the electors of the said town, at the annual election preceding the first day of March, nineteen hundred and eight, in the same manner as other town officers chosen by the people are elected who shall hold office for the term of four years and thereafter the successors of such commissioners shall be nominated and elected by the electors of the said city and town respectively, at the annual election or town meetings preceding the expiration of such terms of office, who shall hold office for the term of four years. Any vacancy which may occur in the office of commissioners of the home of the city and town of Newburgh elected in the said city, by reason of expiration of term or otherwise shall be filled by appointment by the mayor of the said city of Newburgh, in the same manner as other vacancies in city offices are filled; and any vacancy which may occur in

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the office of those commissioners elected in the said town, by reason of expiration of term or otherwise, shall be filled by appointment in the manner provided by the town law for the filling of vacancies in town offices. (*As amended by chapter 467 of the Laws of 1905.*)

§ 3. The said commissioners of the almshouse may sue and be sued in their corporate name, in any of the courts of this state. They shall have the sole and exclusive care and management of the poor in the said town, and shall provide for and maintain the persons enumerated in the fourteenth section of the act concerning "the relief and support of indigent persons," in the manner hereinafter mentioned, and for that purpose they shall have and exercise all the powers and authority now vested by law in the overseers of the poor of towns, and in the superintendents of the poor of counties, not inconsistent with the provisions of this act. They shall also have and possess the powers following:

1. To appoint, by a resolution to be entered upon their minutes, an officer, to be denominated "the superintendent of the poor of the town of Newburgh," together with such other agents as may be necessary in order to carry into effect the purposes of this act, which said superintendent and other agents shall hold their offices during the pleasure of the said commissioners, and receive such fixed annual salary, as a compensation for their services, as the said commissioners may direct.

2. To visit the poor of the said town at their several places of residence, and inquire and examine into their circumstances, the number and ages of the members of their families, the places of their former residences, their employments, for what length of time and to what extent they have been dependent on the public for support, their ability to labor, and the causes of their poverty; and the commissioners may direct either permanent or temporary relief to such poor persons, under such rules and regulations as they may from time to time adopt.

3. To contract for, purchase and provide provisions, fuel, clothing and other necessities for the support of or distribution amongst the poor; and such cattle, stock, furniture and farming utensils for the almshouse and lands hereinafter mentioned, as in their judgment they may deem necessary.

4. To purchase in fee simple, and take a deed of conveyance to the said commissioners in their corporate name, of a farm of land not exceeding one hundred acres, and to erect thereon, if necessary, a building sufficient for the residence and accommodation of the poor of the said town, to be denominated the "almshouse." But the amount of money to be expended by the said commissioners, in the purchase of the said farm and the erection of the said buildings, shall not exceed the sum of twelve thousand dollars. And until such farm and buildings can be purchased and provided, as aforesaid, the said commissioners may hire a house and lot of ground for a term of time, as a residence for the poor of the said town, at an annual rent not exceeding five hundred dollars. (*As amended by chapter 495 of the Laws of 1853.*)

5. The said commissioners may also cause to be constructed within, or within the vicinity of, the said almshouse, a cell or cells or other places of confinement for the temporary imprisonment or detention of vagrants. And the police justice of the town of Newburgh is hereby required by his warrant, to be directed to and executed by one of the police constables of said town, to commit to the custody of the keeper of the said almshouse, to be confined in such cells or places of confinement, all persons adjudged vagrants according to the provisions of the act concerning beggars and vagrants, and also all persons convicted before him of petit larceny, or of other minor offenses or misdemeanors, and sentenced by him to imprisonment therefor. And the keeper of said almshouse is hereby authorized to require all persons, so committed to his charge, to do and perform such work and labor as the superintendent of the poor of the said town shall direct; and the reasonable expenses of keeping and maintaining the persons so committed, while so confined, not to exceed one dollar per week for the time of confinement of each person, shall be charged to the county of Orange and paid by the board of supervisors to the said commissioners as part of the county expenses. (*As amended by chapter 102 of the Laws of 1854.*)

6. The said commissioners shall also have power to receive from the commissioners of emigration all moneys they may become entitled to receive for and on account of foreign paupers

relieved by them, and also from the supervisor of the town of Newburgh, the excise money received in said town, with all fines, forfeitures and penalties which may accrue to them as such commissioners, together with all moneys raised in the said town, for the support of the poor, which said several sums of money shall be applied by the said commissioners to the support and relief of the poor in said town, according to the provisions of this act.

7. The said commissioners shall also have power, and it shall be their duty, to sue in their corporate name for all violations of the excise laws, committed in said town, in any court having jurisdiction of such suits. All other suits and proceedings which may now by law be prosecuted and maintained, in the name of the overseers of the poor of the town of Newburgh, to enforce civil remedies, shall and may hereafter be prosecuted and maintained, and such remedies may be enforced, in the name of the commissioners of the almshouse of the town of Newburgh.

8. Such commissioners may also appoint one of their body president, and they may also fill all vacancies which may occur amongst their number by death, resignation or otherwise, by appointing some suitable person or persons to fill such vacancy or vacancies, who shall hold their offices for the unexpired terms of the persons whose places have thus become vacant. They shall keep a written record of their proceedings, and may establish rules and regulations for their own government, the government of their superintendent, agent and servants, in the examination of paupers and others applying for or entitled to relief or for admission to the almshouse, and in the distribution of food, fuel, clothing and other necessities among the poor of the town.

9. They shall have power from time to time to borrow all such sums of money as they may deem necessary to carry out the powers vested in them by this act, and to give obligations in their corporate name, to be signed by their president and secretary, for the payment of such sums of money, and of any debts incurred by them as such commissioners, and the town of Newburgh shall be liable for the payment of such obligations.

10. They shall have the powers superintendents of the poor now have in relation to lunatics in said town and to provide for their safe-keeping in a proper place in said town, or to send them to a lunatic asylum; and they shall also have the same powers

which overseers of the poor now have in relation to binding out minors or infant children in said town, and also the same powers in relation to binding out minor children sent to the said almshouse, that county superintendents of the poor now have to bind out children sent to a county poorhouse, under and by virtue of section five, article first, title four, chapter eight, of the second part of the Revised Statutes. (*As amended by chapter 102 of the Laws of 1854.*)

11. They shall have the same powers as overseers of the poor and county superintendents of the poor now have in relation to bastards, within said town. And all proceedings, to be had in such cases, shall be in their corporate name. And all bonds, required according to the provisions of the statutes relating to bastards, shall be given to them in their corporate name; but nothing in this act contained shall be construed to release or discharge the superintendents of the poor of Orange county from their liability to any person or persons residing in the town of Newburgh, supporting any bastard child already chargeable to said county of Orange, in cases in which they have heretofore compromised with the putative father for such support.

§ 4. The said superintendent of the poor shall keep an office, to be provided for him by the said commissioners, in the village of Newburgh, which shall be open and accessible to those having business therein, at such hours as said commissioners may designate. He shall devote his time and attention to the discharge of his public duties, and shall, amongst other things, attend the meetings of the said board of commissioners, and act as the secretary thereof. He shall aid them in the examination into the circumstances and conditions of the poor persons applying for or entitled to relief, as provided in the second subdivision of section second of this act, and shall keep a record of such examinations. He shall keep the minutes of the proceedings of the commissioners, and an account of their receipts and disbursements, together with the names of the persons relieved, the manner of the relief, and the time when it was rendered, and prepare their annual and other reports. He shall carry into effect the orders and directions of the said commissioner in distributing relief to poor persons, and generally perform all such duties as may be assigned to him from time to time. (*As amended by chapter 242 of the Laws of 1862.*)

§ 5. The said commissioners shall annually, on the first day of November in each year, cause to be prepared a report, in duplicate, containing an exact and accurate account of all moneys received by them, and the sources from whence such moneys were received, during the preceding year; an exact and accurate account of all their expenditures, and of all debts incurred by them, which are unpaid for the same period of time; and the objects for which such debts were incurred, and to which such expenditures were applied, and to the persons to whom they were paid, for the same period of time; also the number of persons admitted and discharged from the almshouse; the number of those provided with outdoor relief; the expenses incurred for keeping and supplying such almshouse, and the expenses incurred for such outdoor relief during the year; which said report shall be signed by the said commissioners and superintendent and one filed in the office of the town clerk of such town, and the other filed in the office of the clerk of the city of Newburgh. (*As amended by chapter 623 of the Laws of 1904.*)

§ 6. The said commissioners shall also on the first day of November in each year, make a written estimate to be signed by them, of the amount of money which will be required for the support of the poor of said city and town for the next following year; and shall deliver such estimate to any supervisor of any of the wards of the city of Newburgh, or to the supervisor of the town of Newburgh, and the supervisor receiving such estimate shall lay the same before the board of supervisors of the county of Orange at the next annual meeting, who shall apportion the amount between the city of Newburgh and the town of Newburgh, in proportion to the amount of taxable property in each respectively, and shall cause the sum so apportioned to the city of Newburgh to be levied and collected on said city, and the sum so apportioned to the town of Newburgh to be levied and collected on said town, in the same manner as the other taxes are levied and collected; and said board of supervisors shall also, by their warrant, direct and require the collectors of said city of Newburgh and town of Newburgh respectively to pay the said moneys, when collected, to the said commissioners, who shall apply the same to the relief and support of the poor in the manner herein directed. In case either the said city or town of Newburgh shall at any time

vote for local option under the provisions of the liquor tax law, and no funds shall in consequence thereof be derived by the said commissioners of almshouse from either said city or town of Newburgh from excise licenses, then and in that case the expense of the maintenance, repair and improvement of the almshouse premises and the relief and support of the poor of said city or town shall be ascertained according to the relief furnished to said city or town and the number of persons supported by said commissioners therefrom during the period that no funds shall be derived from excise licenses in said city or town, and a statement thereof shall be delivered to any supervisor of the town or any supervisor of any of the wards of the city of Newburgh, and the supervisors receiving such statement shall lay the same before the board of supervisors of the county of Orange at the next annual meeting thereof, who shall cause the sum mentioned in said statement to be apportioned to the city of Newburgh or the town of Newburgh, in which no funds are derived from excise licenses and to be levied and collected in said city or town in the same manner as other taxes are levied and collected; and said board of supervisors shall also by their warrant direct and require the collectors of said city of Newburgh and town of Newburgh, as the case may be, to pay the said moneys when collected, to the said commissioners, who shall apply the same to the relief and support of the poor in the manner herein directed. (*As amended by chapter 623 of the Laws of 1904.*)

§ 7. The town of Newburgh shall be entitled to receive from the board of supervisors of the county of Orange, in money, its fair and just proportion of the estimated value of the county poorhouse, farm and buildings, with the appurtenances and the personal property thereon being, belonging to said county; which proportion shall be in the same ratio to the ascertained value of the said poorhouse and farm, with the appurtenances and personal property, as the amount of state and county taxes charged upon the town of Newburgh bears to the aggregate amount of state and county taxes charged upon the county of Orange, according to the assessment rolls of the several towns therein, for the year eighteen hundred and fifty-two; for the purpose of ascertaining the value of the said county poorhouse, farm and personal property, the said board of supervisors shall, on the



second day of their next annual meeting, by resolution, appoint one competent and disinterested person as an appraiser; and the said commissioners shall also appoint, by like resolution, one other competent and disinterested person as an appraiser, who shall proceed with all convenient speed to examine the said property, and to estimate and appraise all value of the said real and personal property; which said estimate and appraisal shall be in the form of a report in writing, and shall specify the several pieces and items of property, with the values thereof, and shall be signed by the said appraisers and filed with the clerk of the said board of supervisors; and the aggregate amount of such values shall be deemed and taken to be the true value of such real and personal property. If the said appraisers shall disagree, and become unable by reason thereof to make such report, they shall certify such disagreement in writing, under their hands, to one of the justices of the supreme court, who shall thereupon, by an order to be entered for that purpose, appoint one other competent and disinterested person as an additional appraiser, to estimate and appraise the value of such property; and the said three appraisers shall then proceed to re-examine the said property, and to make an appraisement of the value thereof; and the written report of the said appraisers, or any two of them, made, signed, and filed as hereinbefore mentioned, shall be final and conclusive as to the value of such real and personal property. The reasonable fees and expenses of the said appraisers, for making such estimate and appraisal, shall be paid by the board of supervisors, as a part of the county expenses. The said board of supervisors shall cause the first proportion of the town of Newburgh, in the said real and personal property, when estimated and ascertained as aforesaid, to be assessed upon and collected from the other towns of the said county of Orange, excluding the town of Newburgh; and shall cause the same, when so collected, to be paid over to the said commissioners of the almshouse. The appraisers mentioned in this section shall also estimate the number of paupers contained in the Orange county poorhouse at the time of such appraisal, and shall set apart as belonging to the town of Newburgh such number of said paupers as shall be equitable, assuming as the basis for such division the proportion which the money apportioned to the town

of Newburgh shall bear to the whole amount of county-house property, and such proportion of the principal aforesaid shall be taken to Newburgh, and maintained at the cost of Newburgh.

§ 8. The said commissioners shall apply such moneys to the purchase of the lands for an almshouse, and to defray the expense of erecting buildings thereon, or to the payment and satisfaction of any debt contracted by them for such lands, almshouse and buildings; all other moneys required by them for procuring and paying for such lands, almshouse and buildings, and for furnishing the same with farming stock and utensils and furniture, not exceeding in all the said sum of twelve thousand dollars, shall be assessed upon and collected from the town of Newburgh, and paid over to the said commissioners in the manner as provided in section six of this act. (*As amended by chapter 495 of the Laws of 1853.*)

§ 9. The commissioners of emigration of this state shall, from time to time, pay to the said commissioners of the almshouse of the town of Newburgh all moneys expended by them for the support of foreign paupers in the said town out of the commutation moneys in the hands of such commissioners of emigration, according to the provisions of the act "concerning passengers in vessels coming to the city of New York," passed May fifth, eighteen hundred and forty-seven, and the several acts amending the same.

§ 10. The said commissioners of the almshouse shall receive no compensation, for their services, whatever for any services to be rendered by them under the provisions of this act; but all reasonable and proper expenses, incurred by them in executing their trusts as such commissioners, shall be paid out of any moneys raised for the support of the poor as herein mentioned.

§ 11. Whenever it shall become necessary to take proof of any fact or facts, by affidavits or otherwise, to entitle the said commissioners of the almshouse to receive moneys from the commissioners of emigration, or any other fact, the proof of which may be necessary to enable the said commissioners of the almshouse to carry into effect the provisions of this act, such oath may be administered by, and such affidavit taken before, any one of the said commissioners, or of the said superintendent of the poor, who are hereby authorized to administer oaths.

§ 12. It shall not be lawful for the said commissioners of the almshouse, or either of them, or the said superintendent of the poor, to be concerned or interested, directly or indirectly, in the sale of any goods, merchandise or other personal property found, furnished or provided for the use of the poor of the said town of Newburgh; nor shall such commissioners and superintendents, or either of them, take or receive any profit, reward or emolument, for or on account of any goods, merchandise or personal property found, furnished or provided, by any person or persons other than such commissioners, for the use of the poor of said town; every violation of the provisions of this section shall be deemed a misdemeanor, punishable by fine and imprisonment.

§ 13. No person shall be disqualified from acting as judge, justice, witness or juror, by reason of his being a resident, inhabitant or freeholder in said town of Newburgh, in any action or proceeding in which the said commissioners of the almshouse are a party. The inhabitants of the town of Newburgh shall not, after the passage of this act, be entitled to vote for superintendents of the poor of Orange county, at any election for such officer.

§ 14. All the provisions of the Revised Statutes, in relation to the settlement of the poor, and their removal from one county to another, shall be understood to apply to the two divisions into which the county of Orange is divided by this act.

Chapter 102, Laws of 1854.

AN ACT to amend an act entitled "An act for the better support of the poor of the town of Newburgh, in the county of Orange," passed March 23, 1853.

Section 1. (*Amends subdivision 5 of section 3 of chapter 44 of the Laws of 1853, q. v.*)

§ 2. (*Amends subdivision 10 of section 3 of chapter 44 of the Laws of 1853, q. v.*)

§ 3. The said commissioners of the almshouse shall have power to expend all such sums of money, in addition to the amount specified in the said act hereby amended, as shall be necessary to erect and finish off and furnish such additional buildings herein provided for, and the necessary barn and other outbuildings required at the almshouse, and also for all necessary repairs for the buildings.

Chapter 541, Laws of 1865.

AN ACT to incorporate the city of Newburgh.

TITLE XI.

(Number changed to title XII by chapter 168 of the Laws of 1878.)

§ 4. The town of Newburgh, and the city of Newburgh, shall, together, constitute one district for the purpose of providing for the support of the poor, in the manner provided by law. The almshouse commissioners of said town and city shall be known by the corporate name of "the commissioners of the almshouse of the city and town of Newburgh." The superintendent of the poor shall hereafter be denominated "the superintendent of the poor of the city and town of Newburgh." Commissioners of the almshouse to take the place of those whose terms of office shall expire after this act shall take effect, shall be nominated and elected by the electors of the town of Newburgh, in the same manner as other town officers, elected by the people, are chosen. Whenever the terms of office of the commissioners of the almshouse, heretofore elected in the city of Newburgh shall expire, their successors shall be nominated and elected by the electors of the city, at the annual election, in the same manner as other city officers, chosen by the people, are elected. Any vacancy which may occur in the office by reason of expiration of term or otherwise, shall be filled by appointment by the mayor of the city of Newburgh, in the same manner as other vacancies in office are filled, as provided by section fifteen of title two of this act, as amended. All powers given by law to the police justice in the town of Newburgh in relation to commitment to the custody of the keeper of the almshouse, are hereby given to the recorder of the city of Newburgh in all cases arising in said city, and to each of the justices of the peace of the town of Newburgh in all cases arising in said town. Whenever any money shall be borrowed by the commissioners of the almshouse, in pursuance of the provisions of said act, the city of Newburgh and the town of Newburgh shall be jointly liable therefor. The annual report required by the said act to be made by the said commissioners, shall hereafter be made in duplicate, one of which shall be filed in the office of

the town clerk of the town of Newburgh, and the other shall be filed in the office of the clerk of the city of Newburgh, and said reports shall be open for inspection at reasonable hours by the qualified electors of the city and town of Newburgh. (*As amended by chapter 114 of the Laws of 1866 and chapter 554 of the Laws of 1895.*)

Chapter 418, Laws of 1870.

AN ACT to provide for the payment of the board of vagrants committed to the almshouse of the city and town of Newburgh.

Section 1. The board and maintenance of every vagrant committed to the almshouse of the city and town of Newburgh, who, under the provisions of the general acts concerning beggars and vagrants, might have been sentenced to the county jail, shall be at the same rate allowed to the sheriff, undersheriff or keeper of the county jail of Orange county, for the board of prisoners in said county jail, for a term not exceeding sixty days on any one conviction, shall be a charge upon the county of Orange, and shall be audited and collected in the same manner as other county charges, and shall be paid to the commissioners of the almshouse of the city and town of Newburgh.

§ 2. The act entitled "An act for the better support of the poor of the town of Newburgh, in the county of Orange," passed March third, eighteen hundred and fifty-three, as amended by subsequent acts, is hereby amended so as to conform to the provisions of this act.

Chapter 276, Laws of 1871.

AN ACT to provide for the better support of the poor in the city and town of Newburgh, in the county of Orange.

Section 1. The annual report required by the fifth section of the act entitled "An act for the better support of the poor in the town of Newburgh, in the county of Orange," passed March twenty-three, eighteen hundred and fifty-three, and the several acts amendatory thereof, to be made by the commissioners of the almshouse of the city and town of Newburgh, shall, after the year eighteen hundred and seventy-one, be made by said commissioners on the first day of March in each and every year, and shall be

signed, filed and published as required by said fifth section of said act.

§ 2. All penalties which may hereafter be incurred for violation, committed either in the city of Newburgh or the town of Newburgh, in the county of Orange, of any of the laws of this state relating to the sale of intoxicating liquors, may be sued for and recovered by the commissioners of the almshouse of the city and town of Newburgh by civil action, in their corporate name, before any justice of the peace of said city or town, or in the county court of Orange county, or in the supreme court; and said penalties, when collected, shall be applied to the support of the poor of said city and town.

§ 3. All moneys which shall be collected and received by the commissioners of excise in the city of Newburgh, in the county of Orange, or by any other officers of said city or town arising from licenses granted in said city and town under the laws of this State regulating the sale of intoxicating liquors, or for penalties incurred for violations of such laws committed in said city or town, shall be paid over by the officers receiving the same within twenty days after they shall receive the same to the commissioners of the almshouse of the city and town of Newburgh, for the support of the poor of said city and town.

§ 4. All fines imposed or hereafter to be imposed by the recorder of the city of Newburgh, or by any justice of the peace of the town of Newburgh, or by any court of criminal jurisdiction in the county of Orange, for drunkenness, or for violation of any of the laws of this State relating to intoxicating liquors, or the sale thereof, shall be paid over by the officer or officers receiving such fines to the commissioners of the almshouse of the city and town of Newburgh, for the support of the poor of said city and town.

§ 5. All acts or parts of acts relating to the support of the poor in the city and town of Newburgh, in the county of Orange, and to the sale of intoxicating liquors, so far as the latter are applicable to said city and town, inconsistent with the provisions of this act, are hereby repealed.

## NEW ROCHELLE, WESTCHESTER COUNTY.

(Note.—Commissioner of charities appointed by the mayor and common council for a term of two years at a salary of \$700.)

Chapter 128, Laws of 1899.

## ARTICLE VIII.

## DEPARTMENT OF CHARITIES.

Section 140. Appointment of commissioner.

141. Powers and duties of commissioner of charities.

142. Monthly report of commissioner.

143. Common council to audit accounts.

144. Commissioner not to be interested in purchases.

Section 140. Appointment of commissioner.—During the month of May, immediately after the passage of this act, there shall be appointed in the manner provided by this act one commissioner of charities, who shall hold his office until February first, nineteen hundred and two. In the month of January, nineteen hundred and two, and each alternate year thereafter the common council in the same manner shall appoint a commissioner of charities for the term of two years to succeed the commissioner whose term expires in that year.

§ 141. Powers and duties of the commissioner of charities.—Except as otherwise provided by this act, the commissioner of charities of the city of New Rochelle shall have and exercise within the city of New Rochelle the same powers and discharge the same duties, to the exclusion of any other officer, as overseers of the poor in towns. The commissioner of charities of the city of New Rochelle shall, by virtue of his office, also possess all the powers and authority of overseers of the poor of the several towns of this state in relation to the support and relief of indigent persons, the binding out of children, the care of habitual drunkards, the support of bastards and proceedings to charge the fathers and mothers of such bastards, and all such other powers as are conferred on overseers of the poor in the respective towns of this state, and shall be subject to the same duties, obligations and liabilities. He shall keep his office in the city hall if the common council shall so provide. It shall be the duty of the commissioner to visit the poor of said city at their several places of abode and

examine into their circumstances, and ascertain to what extent they are or may be in need and entitled to permanent or temporary relief, or medical attendance, provided that the amount to be expended by him for medical attendance shall not exceed six hundred dollars in any one year, unless authorized by the common council to expend a larger amount. The commissioner of charities shall have power to administer oaths to, and examine under oath any person applying to him for relief, and false swearing during such examination shall be deemed willful perjury. For all purposes relative to the maintenance and support of the poor, the city of New Rochelle shall be deemed one of the towns of Westchester county. The commissioner shall issue written orders for all meals, provisions and supplies furnished to the poor of said city.

§ 142. Monthly report of commissioner.—The commissioner shall, at the first regular meeting of the common council in each month, report to the common council under oath, in detail, all appropriations, expenditures, temporary relief, medical attendance, and allowance made by him as such commissioner during the month preceding, which report shall specify the name and place of abode of each person relieved, the quantity and price per pound, or otherwise, as the case may be, of each article furnished or ordered, and from whom obtained; said report shall also contain the names and places of abode of all persons to whom meals or lodgings have been furnished, the number of such meals and lodgings, from whom obtained, or by whom furnished, and the cost of the same. Said report shall be filed with the city clerk.

§ 143. Common council to audit accounts.—All charges and accounts against said city for services rendered, acts done or meals, provisions or supplies furnished under the direction of the commissioner of charities of said city under the provisions of this act, or otherwise, shall be made out in items, duly verified, by the persons entitled to the payment therefor, and presented to the common council at the first regular meeting of said council in each month, for all claims and demands incurred or which may have accrued during the preceding month. All such claims, accounts and charges shall, if approved, be audited by the common council and paid from the poor fund of said city by the treasurer upon the warrant of the mayor, countersigned by the clerk.



§ 144. Commissioner not to be interested in purchases.—The commissioner of charities shall not, directly or indirectly, furnish to any person, any groceries, provisions, fuel, medicines or property belonging to himself, or in which he shall have an interest or be interested, nor shall he receive any commission upon or for any goods or articles or relief furnished, or on any orders given by him for any such goods, articles or relief. For any violation of any provisions of this section, said commissioner shall be removed from office by the common council and he shall forfeit to said city a penalty of one hundred dollars for every such violation.

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#### NEW YORK, NEW YORK COUNTY.

(Note.—Commissioner of charities appointed by the mayor for a term of four years at an annual salary of \$7,500.)

Chapter 378, Laws of 1897.

#### CHAPTER XIII.

##### TITLE I.

##### DEPARTMENT OF PUBLIC CHARITIES.

§ 658. Commissioner of public charities; jurisdiction; salary.—The head of the department of public charities shall be called the commissioner of public charities. The terms of office of the members of the board of public charities, except the president thereof, appointed pursuant to the provisions of the Greater New York charter shall cease and determine on the first day of January, nineteen hundred and two, and the president of the said board of public charities shall thereupon become the commissioner of public charities. The salary of the commissioner of public charities shall be seven thousand five hundred dollars a year. The principal office of the department shall be in the borough of Manhattan. There may be a branch office in each of the other boroughs. (*As amended by chapter 466 of the Laws of 1901.*)

§ 659. Rules and regulations; subordinate officers.—The said commissioner shall have power to establish general rules and regulations for the administration of the department and the government of the institutions under its jurisdiction except the

institutions specified in section six hundred and sixty-one of this act, and except as provided in title two of this chapter, and such general rules and regulations shall be so far as practicable uniform in all the boroughs. The commissioner shall have power to appoint and in his discretion to remove not more than two deputies, to be known as first deputy, and second deputy, and shall define their duties. The first deputy shall during the absence or disability of the commissioner possess all the powers and perform all the duties of the commissioner except the power of making appointments. In the absence or disability of both the commissioner and the first deputy, the second deputy shall possess all the powers and perform all the duties of the commissioner, except the power of making appointments. The commissioner, within the limits of his appropriation, shall have power to appoint and remove subject to the requirements of the civil service laws such subordinate officers and assistants as may be necessary for the efficient performance of his duties as said commissioner. (*As amended by chapter 466 of the Laws of 1901.*)

§ 660. Public institutions under the jurisdiction of the commissioner.—The commissioner shall have jurisdiction over, and it shall be his duty to take charge of and to establish and enforce rules and regulations for all hospitals, asylums, almshouses and other institutions belonging to or hereafter acquired or established by the city of New York, which are or shall be devoted to the care of the feeble-minded, the sick, the infirm and the destitute; except the island known as Ward's Island and the buildings and improvements thereon, and the equipment, fixtures and furniture of the asylums for the insane on said island during the continuance of the lease thereof heretofore made by the city of New York to the State of New York, and except the hospitals specified in title two of this chapter and such other institutions as are by law placed under the charge of some other department or board. Such buildings and grounds on Blackwell's Island as are now used for the care of the insane pursuant to the provisions of chapter two of the laws of eighteen hundred and ninety-six shall, when the insane shall have been removed therefrom, and the buildings and grounds, together with the equipments, fixtures and furniture of the buildings now leased to the State by the

county of Kings for the care of the insane, when said lease expires, shall be under the jurisdiction of the commissioner of public charities. (*As amended by chapter 466 of the Laws of 1901.*)

§ 661. Payments to private institutions.—No payment shall be made by the city of New York to any charitable, eleemosynary or reformatory institution wholly or partly under private control, for the care, support, secular education, or maintenance of any child surrendered to such institution, or committed to, received or retained therein in accordance with sections six hundred and sixty-four, six hundred and sixty-five, six hundred and sixty-six and six hundred and sixty-seven of this act, except upon the certificate of the commissioner of public charities that such child has been received and is retained by such institution pursuant to the rules and regulations established by the state board of charities. Money paid by the city of New York to any such institution for the care, support, secular education or maintenance of its inmates shall not be expended for any other purpose. Whenever the commissioner shall decide, after reasonable notice to the institution and a hearing, that any such child as aforesaid who is received and retained in such institution is not a proper charge against the public, and notice of such decision in writing is given by him to such institution, thereupon all right on the part of said institution to receive compensation from the city for the further retention of the child shall cease. He shall file in the office of the department a statement of the reasons for his decision and of the facts upon which it is founded, and shall furnish a copy to the institution where the child is detained. His decision may be reviewed on certiorari by the supreme court. (*As amended by chapter 466 of the Laws of 1901.*)

§ 662. Powers of the commissioner as to destitute and other persons.—The commissioner of public charities shall have all the authority concerning the care, custody and disposition of insane, feeble-minded, sick, infirm and destitute persons heretofore conferred upon the board of public charities and upon the several commissioners of public charities and he shall be subject to the same obligations and discharge the same duties in respect to such persons, except in so far as the same are inconsistent with or are

modified by this act and the amendments thereof. The commissioner shall be the overseer of the poor of the city of New York, as constituted by this act. The commissioner shall not have power to dispense any form of outdoor relief except as expressly provided in this chapter, but the commissioner shall have power to pay for the cost of the removal or transportation of any person who may come under his charge whenever in his judgment the city will thereby be relieved from an unnecessary or improper charge. The commissioner shall make provision for the temporary care of vagrant and indigent persons, and shall provide for an investigation into the circumstances of all such persons, and shall cause every person who is found upon investigation to be a vagrant, to be brought before a magistrate pursuant to law. The board of estimate and apportionment and the board of aldermen shall in each year appropriate such sum as in their judgment may be necessary to carry out the provisions of this section. (*As amended by chapter 466 of the Laws of 1901.*)

§ 663. Classification and instruction of inmates.—It shall be the duty of the commissioner of public charities to investigate the circumstances of every person admitted to an institution under his charge and of the near relatives of such person. Such investigation shall be made, when practicable, before the admission of such person, and the results of investigation shall be placed on file and preserved with the records of the department. It shall be the duty of the commissioner to cause all the inmates of public institutions under his charge to be classified so far as practicable. The inmates of the almshouse or almshouses shall be classified at the time of their admission upon the basis of previous character and conduct, but such inmates may be transferred or reclassified in accordance with their conduct in the institution. Every inmate of the almshouse whose age and health will permit shall be employed in cultivating the ground under the control of the commissioner, or in manufacturing such articles as may be required for ordinary use in the public institutions under the control of the commissioner, or for the use of any department of the city of New York, or in preparing and building sea walls upon islands or other places belonging to the city, or such mechanical or other labor as shall

be found from experience to suit the capacity of the individual. The articles raised or manufactured by such labor shall be subject to the order of, and shall be placed under the control of the commissioner, and all such articles shall be utilized so far as practicable in the public institutions under the charge of the department of charities or in some other department of the city. All the land under the jurisdiction of the commissioner, not otherwise occupied or utilized, and which is capable of being cultivated, shall, in the discretion of said commissioner, be used for agricultural purposes. The commissioner, within the limits of his appropriation, may establish and maintain in the public institutions under his charge such schools or classes for the instruction and training of inmates as may in his opinion be desirable. (*As amended by chapter 466 of the Laws of 1901.*)

§ 664. Powers of the commissioner and deputy commissioner as to destitute and other children.—The commissioner, or deputy commissioner of public charities shall have power to commit, to indenture, place out, discharge, or transfer any child who may be in his custody, or who may have been placed by him in an institution as a public charge, whenever in his judgment it shall be for the best interests of such child so to do, and he and his successors in office shall have power to revoke and cancel any such indenture or agreement, and to make contracts for the maintenance of any such child, in placing out or indenturing such children the commissioner or the deputy commissioner, may assign one or more of his subordinates to make the necessary investigations and he may employ any duly incorporated charitable institution or society and may reimburse such institution or society for any expenses, other than salaries, actually incurred in the placing out, supervision and transfer if necessary, of children who are public charges. The word institution, whenever used in this chapter, shall include any charitable corporation, one of whose objects is the care of children or the placing of children in families. An institution to which a child has been committed, as herein provided, shall have the authority to place such child in a family, or bind out such child by indenture, or consent to his adoption. In indenturing, placing out, transferring or committing any such child, the commissioner, or

deputy commissioner, or any institution or society employed by him shall, when practicable, indenture or place out such child with an individual of the like religious faith as the parents of such child, or transfer or commit such child to an institution governed by persons of the same religious faith of the parents of such child. In respect to such minors so committed to or otherwise placed under his charge the commissioner or deputy commissioner shall have such additional powers as were on the first day of January, eighteen hundred and ninety-eight vested by law in the corresponding officers of the corporation known as the mayor, aldermen and commonalty of the city of New York of the corporation known as the city of Brooklyn, and the counties of Kings, Richmond and Queens mentioned in section six hundred and sixty-two of this act. The commissioner or deputy commissioner shall not commit children to any institution which shall have been certified by the state board of charities to have failed to comply with the rules and regulations established by that board pursuant to section fourteen of article eight of the constitution, nor shall he commit any child to any institution not situated in the city of New York unless such institution shall have been certified by said board to be properly protected from fire and other dangers. (*As amended by chapter 466 of the Laws of 1901, and chapter 187 of the Laws of 1905.*)

§ 665. Notice of commitment of children.—Whenever any child, actually or apparently, under the age of sixteen years, is brought before any court or magistrate in the city of New York, as constituted by this act, pursuant to section eight hundred and eighty-eight of the code of criminal procedure, or is found destitute of means of support the magistrate presiding, or court before whom or which such child is brought shall thereupon fix a day not more than five days distant for the hearing and final disposition of the charge against said child, and shall, at the same time, in addition to such other notices as may be required by law, give notice, in writing, of such arrest to the commissioner of public charities and to the Society for the Prevention of Cruelty to Children duly authorized to carry on its work in the county in which said arrest is made, which notice shall state the name of the child, its age, either actual or apparent, its sex, color, birth-

place, residence, father's name, mother's name, parents' religion and parents' occupation, each if known; the specific charge upon which the arrest is made; the name of the officer making the arrest, and the name and address of the complaining witness, if any there be. And such court or magistrate may temporarily commit such child to the custody and care of an institution to which said court or magistrate is authorized by law to make final commitment. (*As amended by chapter 466 of the Laws of 1901.*)

§ 666. Children committed as public charges; investigation.—The commissioner may appear either by clerk or by counsel on all hearings or proceedings for the commitment of children. He shall investigate the circumstances of their relatives, whose duty it is to relieve and maintain them, and shall on or before the final hearing therein, file with the court or magistrate a statement in writing of such fact or facts as in the opinion of the commissioner render it proper or improper that such child should be supported as a public charge at the expense of the city; and such written statement of fact or facts when so filed shall be preserved with and form a part of the record of the proceedings instituted by the arrest of such child. Omission or failure to file such statement shall not be ground for delaying the final decision. (*As amended by chapter 466 of the Laws of 1901.*)

§ 667. Term of commitment of children; discharge.—The term of commitment of each child committed in the city of New York, as constituted by this act, under any of the provisions of section six hundred and sixty-four, six hundred and sixty-five, and six hundred and sixty-six of this act shall be until such child shall attain the age of sixteen years or until it shall be duly indentured or placed out as an apprentice by the institution to which it shall have been committed, or until it shall be given over in adoption by said institution to some suitable person, or until returned to its parents, relatives, or guardians, or otherwise discharged. Each institution mentioned in section six hundred and sixty-one of this act, shall file with the commissioner, at the end of every three months a list of all the children referred to in section six hundred and sixty-one, six hundred and sixty-four, six hundred and sixty-five and six hundred and sixty-six of this act, received

by or discharged from said institution during the month, which list shall contain the names and residence of the parents and guardians of the children as far as known. Every such institution shall keep a book in which it shall cause to be entered the name and address of each parent, relative or other person visiting an inmate of such institution who is in whole or in part a charge upon the city of New York, and such name and address shall be entered upon the occasion of each visit by any such person. (*As amended by chapter 466 of the Laws of 1901.*)

§ 668. Saving clause as to certain existing laws.—Nothing contained in the foregoing sections shall be construed to alter or affect any provision of chapter one hundred and seventy-two of the laws of eighteen hundred and sixty-five, or of chapter four hundred and thirty-nine of the laws of eighteen hundred and ninety-two, or of chapter three hundred and fifty-three of the laws of eighteen hundred and eighty-six. (*As amended by chapter 466 of the Laws of 1901.*)

§ 669. Record of inmates of institutions.—It shall be the duty of the commissioner of public charities to keep and preserve a proper record of all persons who shall come under his care or custody and of the disposition made of such persons, with full particulars as to the name, age, sex, color and nativity of each, and in case of minors the names and residence of parents and their religious faith so far as ascertained, and the religious faith, and residence of the persons or families with whom or of the persons in charge of the institution in which they are placed, together with copies of any instrument of indenture or agreement executed by such commissioner. And it shall also be the duty of the commissioner to keep and preserve such records of all persons who are inmates of private institutions, who are accepted by him as proper charges upon the city. (*As amended by chapter 466 of the Laws of 1901.*)

§ 670. Temporary care in accident cases.—Any person injured or taken sick on the streets or in any public place within said city, who may not be safely removed to his or her home, may be sent to and shall be received in any public hospital within said city, for temporary care and treatment, irrespective of his or her place of residence. (*As amended by chapter 466 of the Laws of 1901.*)



§ 671. Temporary care of the insane.—The commissioner shall provide and maintain as may be necessary suitable rooms or wards for the reception, medical examination and temporary care of persons alleged to be insane for the boroughs other than Manhattan and the Bronx. (*As amended by chapter 466 of the Laws of 1901.*)

§ 672. Alteration and repair of buildings.—The commissioner, whenever the increase of inmates in or the proper care and government of the public institutions or establishments under his jurisdiction shall in his judgment render necessary or expedient, shall have power provided an appropriation has been made therefor to enlarge or alter the buildings occupied by such institutions or establishments or any of them, and to make all needful repairs to buildings and property under his control. (*As amended by chapter 466 of the Laws of 1901.*)

§ 673. Potter's field; power to establish crematories.—The commissioner shall have charge of the potter's fields, and shall, when the necessity therefor shall arise, have power to lay out additional potter's fields or other public burial place for the poor and strangers, and from time to time to enclose and extend the same, to make enclosures therein and to build vaults therein, and to provide all necessary labor therefor and for interments therein. Provided, however, that the potter's field on Hart's Island shall remain under the control of the department of correction, and the burial of deceased paupers therein shall continue under rules and regulations as provided in section six hundred and ninety-five of this act. The commissioner of public charities and the commissioner of correction are respectively empowered to cause to be cremated the bodies of deceased paupers and criminals where relatives do not object to such cremation; and the board of estimate and apportionment, with the approval of the board of aldermen, may cause to be erected and equipped proper facilities for such cremation. (*As amended by chapter 466 of the Laws of 1901.*)

§ 674. Accounts; annual estimates; expenditures.—The commissioner shall keep accurate and detailed accounts, in a form approved by the comptroller, of all moneys received and expended by him, the sources from which they are received and the purposes for which they are expended. The commissioner shall, on or before the first day of September in each year, prepare an item-

ized estimate of his necessary expenses for the ensuing fiscal year, which shall be submitted to the board of estimate and apportionment within the time prescribed by this act for the submission of estimates for the several departments of the city. The commissioner shall incur no expense for any purpose in excess of the amount appropriated therefor; nor shall he expend any money so appropriated for any purpose other than that for which it was appropriated. (*As amended by chapter 466 of the Laws of 1901.*)

§ 675. Advertisements for supplies.—The commissioner of public charities shall, from time to time, as may be necessary, advertise in the City Record and the corporation newspapers for not less than ten days for proposals for such articles and supplies as shall be necessary to be used in and for the relief and support of the poor of the city, and which cannot be supplied by his department or by the department of correction, and shall award contracts for the same to the lowest bidders, who shall give adequate security for the faithful performance of such contracts. In case of an emergency or in the purchase of perishable articles the commissioner may purchase without calling for competition at a total expense not exceeding three thousand dollars during any one month. The commissioner shall in the case of each such purchase enter in a book to be kept for that purpose, a detailed statement of the facts which render purchase by contract impracticable. (*As amended by chapter 466 of the Laws of 1901.*)

§ 676. Expenditures for the relief of the blind.—The commissioner is hereby authorized and empowered to insert in his annual estimate of expenditures an item of expenditure for the relief of the poor adult blind not to exceed in all seventy-five thousand dollars. The commissioner shall distribute the sum so appropriated each year in uniform sums not to exceed one hundred dollars to any one person, to such poor adult blind persons, not inmates of any of the public or private institutions in the city of New York, who shall be in need of relief and who shall be citizens of the United States, and shall have been residents of said city continuously for two years previous to the date of application for such relief. (*As amended by chapter 466 of the Laws of 1901.*)

§ 677. Detail of inmates of correctional institutions to work in department.—The commissioner may, from time to time, in his discretion, request the department of correction to detail and des-

ignite inmates of the correctional institutions of the city to perform necessary work, labor and services in and upon the grounds and buildings which are under the charge of the said commissioner, and such inmates of such correctional institutions when so employed shall at all times be under the personal oversight and direction of a keeper or keepers from such correctional institutions as the department of correction may deem necessary; but no inmate of any correctional institution shall be employed in any capacity whatever in any ward of any hospital under the jurisdiction of the department of public charities while such ward is being used for hospital purposes. The provisions of this section shall not be construed to limit the power of said commissioner to make requisition upon the commissioner of correction as provided by section seven hundred and one of this act. (*As amended by chapter 466 of the Laws of 1901.*)

§ 678. Care of nonresidents in city hospitals.—The commissioner of public charities is hereby authorized in his discretion to permit the reception and treatment in hospitals under his jurisdiction of persons who do not reside in the city of New York, provided that every person so receiving treatment shall be required to pay such sum for board and attendance as may be fixed by such commissioner, and provided that no such persons shall be received to the exclusion of patients who reside in said city. Such commissioner shall collect and pay over all such moneys to the chamberlain once every month, and the amount so collected shall be paid into the general fund. The commissioner shall upon making such payments to the chamberlain report the same to the comptroller of the city of New York. (*As amended by chapter 466 of the Laws of 1901.*)

§ 679. Requisition of subordinate officers.—Each superintendent, warden or chief officer of every institution under the charge of the commissioner shall make his requisition in writing on the commissioner for all articles deemed necessary by the said officer to be used in the respective institutions under his charge, and shall keep an accurate account of the same. (*As amended by chapter 466 of the Laws of 1901.*)

§ 680. Reports of subordinate officers.—Each such superintendent, warden or other chief officer of every institution under the

charge of the commissioner shall once in each week report in writing to the commissioner the number of persons who have been received or transferred, who are sick, who have died, and who are remaining in the respective institutions under his charge, the discipline which has been maintained therein, the punishments imposed, and the quantity and kind of labor performed, and such other information as the commissioner may require. (*As amended by chapter 466 of the Laws of 1901.*)

§ 682. Hours of labor; discipline.—The hours of labor required of any pauper or other person committed to or placed under the charge of the commissioner of public charities shall be fixed by the commissioner. In case any such pauper shall neglect or refuse to perform the work allotted to him or her by the person in charge, or shall violate the rules and regulations of the institution, it shall be the duty of the superintendent of the almshouse to report such insubordination or violation to the commissioner, who may thereupon direct the punishment of such pauper by solitary confinement and by being fed on bread and water only for such length of time as he may consider necessary. In case any pauper shall neglect to perform the work assigned to him or her, or be guilty of any such violation on three or more separate occasions, the said commissioner may cause such pauper to be brought before the proper court or magistrate, and such court or magistrate may commit such pauper to the workhouse or penitentiary as a disorderly person. (*As amended by chapter 466 of the Laws of 1901.*)

§ 683. Support of poor persons by relatives.—The grandparents, parents, children and grandchildren of sufficient ability, of a poor person who is insane, blind, old, lame, impotent or decrepit, so as to be unable by work to maintain himself, and the grandparents and parents of a destitute child must at their own charge relieve and maintain him in the manner to be approved by the commissioner. If the relative of a poor person of sufficient ability, fails to maintain and relieve him, as in this section provided, the said commissioner may apply to any city magistrate, or any court of record having jurisdiction of the defendant, for an order to compel such relief, and the proceedings to be taken to make such an order and the enforcement thereof, shall be the

same and in like manner as those provided in sections six hundred and eighty-five and six hundred and eighty-six of chapter four hundred and sixty-six of the laws of nineteen hundred and one. (*As amended by chapter 362 of the Laws of 1904.*)

§ 684. Conduct of bastardy proceedings.—All bastardy proceedings shall be conducted by and in the name of the commissioner, and the amount collected shall be paid to the commissioner, to be by him applied to the support of the child or of the child and its mother, and shall be accounted for by him in a manner approved by the comptroller. The commissioner shall have authority to compromise bastardy and abandonment cases. (*As amended by chapter 466 of the Laws of 1901.*)

§ 685. Maintenance of abandoned wives and children.—Every person in the city of New York, as constituted by this act, who actually abandons his wife or children without adequate support, or leaves them in danger of becoming a burden upon the public, or who neglects to provide for them according to his means, or who threatens to run away and leave his wife and children a burden upon the public, may be arrested upon a complaint made under oath to a city magistrate and a warrant thereon issued, and brought before such magistrate, as provided by section nine hundred of the code of criminal procedure. And if thereupon it shall appear by the confession of the defendant or by competent testimony that he is guilty of the charge, the said magistrate shall make an order specifying a reasonable sum of money to be paid weekly for the space of one year thereafter by such defendant to the commissioner of public charities for the support of the wife or children. But nothing in this chapter contained shall apply to or affect an order for the payment of money for the support of a child in an institution pursuant to the provisions of section two hundred and eighty-eight of the penal code or of section nine hundred and twenty-one of the code of criminal procedure. (*As amended by chapter 466 of the Laws of 1901.*)

§ 686. Commitments in abandonment proceedings; surety.—Any person convicted of any of the offenses hereinbefore recited shall, upon being served with such order, enter into a bond to the people of the state in such sum as such city magistrate shall direct, with good and sufficient surety to be approved by the said city magistrate, that such person will pay weekly for the space of

one year such sum for the support of the wife or children or either or any of them, as has been ordered as aforesaid, to the commissioner of public charities. In default of such surety being found, the city magistrate shall make up, sign and file in the office of the clerk of the county in which such conviction is had, a record of the conviction of such offender as a disorderly person, specifying generally the nature and circumstances of the offense and the names of the witnesses by whom it has been established, and shall by warrant commit such offender to the workhouse on Blackwell's Island, or to the penitentiary or jail in the borough where the conviction is had, there to remain until such surety be found or such offender be discharged according to law, or he shall sentence such offender to imprisonment in the penitentiary, for a term not exceeding six months or until such offender gives the security as hereinbefore provided or is discharged according to law. Upon the trial or hearing of all complaints for any or either of the offenses hereinbefore referred to, the wife shall be a competent witness therein against her husband, as to all matters embraced in said complaint. (*As amended by chapter 466 of the Laws of 1901.*)

§ 687. Actions on bonds in abandonment proceedings.—Any suit, action or proceeding brought or instituted upon any bond or recognizance given in pursuance of the preceding section shall be brought and prosecuted by and in the name of the commissioner of public charities, and all moneys recovered in any suit, action or proceeding shall be paid to the commissioner to be by him applied and expended for the support of the wife and children, or either or any of them, of the person against whom the order mentioned and provided for in section six hundred and eighty-five of this act shall have been made. If the person charged with the offenses hereinbefore recited or either of them is admitted to bail, the undertaking of his bail shall be for the future appearance of the defendant according to the terms of the undertaking, or that the bail will pay to the commissioner a specified sum in the event of such failure to appear, or if such person deposits a sum of money as directed by law instead of giving an undertaking of bail for his future appearance, and if such person shall thereafter fail to appear in accordance with the terms of said undertaking or the terms upon which the money was depos-

ited, then the said magistrate shall enter the fact of said person's nonappearance upon the minutes and the undertaking of his bail or money deposited instead of bail shall thereupon be forfeited. (*As amended by chapter 466, of the Laws of 1901.*)

§ 688. Recoveries in abandonment proceedings.—When such an undertaking is forfeited, an action may be brought in the name of the commissioner of public charities to recover the amount specified in such undertaking, and the amount recovered in said action shall be applied and expended for the support of the wife and children, or either or any of them, of the person charged with the offenses hereinbefore recited or either or any of such offenses, and when any money has been deposited instead of bail and which shall have been forfeited as hereinbefore provided, said money shall be paid to the commissioner, by the person with whom the said sum of money is deposited, upon presenting to him a certificate from the city magistrate certifying to the forfeiture thereof, which said certificate shall state the name of the person making the deposit, when it is made, the name of the defendant, and that the said sum of money was forfeited on account of the defendant's failure to appear as directed, and shall be signed by said magistrate. (*As amended by chapter 466 of the Laws of 1901.*)

§ 689. Appeals in abandonment proceedings; costs.—An appeal to the court of general sessions may be taken from the conviction before a city magistrate under this chapter within the county of New York, or to the county court in any other county within the city of New York, which said appeal shall be conducted under and in accordance with the provisions of the code of criminal procedure of the state of New York, except that the judge allowing the appeal must take from the defendant a written undertaking in such sum and with such sureties as he may approve, that defendant will abide the judgment of the appellate court upon the appeal, and will pay all costs which may be awarded against him, and except that all notices required by said code of criminal procedure to be served upon the district attorney upon such appeal shall be served upon the commissioner of public charities, and the commissioner may appear by clerk or counsel upon the hearing of such appeal. The court must award costs to the party in whose favor the appeal is determined, as follows, besides disburse-

ments: To the appellant upon reversal, thirty dollars; to the respondent upon affirmance, twenty-five dollars. When awarded to the appellant they must be paid by the comptroller of the city of New York, on the delivery to him of a certified copy of the order of reversal, and must be charged to the contingent account of the commissioner of public charities. When awarded to the respondent the payment of costs may be enforced as in a civil action, and in an action brought therefor against the sureties upon the undertaking given on the allowance of the appeal, the production of a certified copy of the order of affirmance shall be conclusive evidence. If a new trial is ordered it must be had in the court where the appeal was heard, before a judge without a jury.

An appeal to the court of general sessions may be taken in an abandonment proceeding, by the commissioner of public charities in whose name the proceeding is brought, from a decision or judgment of a city magistrate under this chapter, within the county of New York; or to the county court in any other county which is wholly or partly within the city of New York, as constituted by this act.

For the purpose of appealing the commissioner must within sixty days after such decision or judgment make an affidavit showing the alleged errors in the proceeding in which the decision or judgment was rendered, and must within that time present it to the county judge of the county where the proceeding was brought or to a justice of the supreme court in that department, or in the county of New York to the recorder or a judge authorized to hold a court of general sessions, and apply thereon for an allowance of the appeal.

If, in the opinion of the justice, judge or recorder to whom the affidavit is submitted, it is proper that the questions set forth in the affidavit should be decided by the appellate court, he must endorse upon the affidavit an allowance of an appeal to that court. And the commissioner must within five days thereafter serve a copy of such affidavit upon which the appeal was granted, together with a notice that the same has been allowed, upon the defendant in the abandonment proceeding or upon the attorney or counsel who last appeared for the defendant therein.



Sections seven hundred and fifty-five, seven hundred and fifty-six, seven hundred and fifty-seven and seven hundred and fifty-eight of the code of criminal procedure shall apply to the appeal herein provided.

The appeal may be brought to argument by the commissioner or the defendant upon ten days' notice to the opposite party, to be served personally on the commissioner or, either personally upon the defendant or personally upon the attorney who last appeared for the defendant.

The appeal shall be heard and disposed of in the manner provided by sections seven hundred and sixty-three, seven hundred and sixty-four, seven hundred and sixty-five, seven hundred and sixty-six and seven hundred and sixty-nine of the code of criminal procedure, except that if a new trial be ordered, it shall be had in the court where the appeal was heard, before a judge without a jury, and, pending such new trial, the judge shall issue a warrant for the arrest of the defendant, and may hold him to bail as upon an indictment.

Upon an appeal taken by the commissioner of public charities no costs shall be awarded to either party. (*As amended by chapter 466 of the Laws of 1901.*)

§ 690. When new security be required after conviction in abandonment proceedings.—Upon the recovery of a bond given by the defendant upon conviction in abandonment proceedings as prescribed in section six hundred and eighty-six; or upon proof by affidavit by the commissioner that he has caused diligent efforts to be made to serve personally upon a surety on such a bond, a summons in an action brought thereon for a default in the terms thereof, but has been unable to effect service upon such surety; or that a surety has been adjudged a bankrupt, the city magistrate then sitting in the court in which such bond was given may issue a warrant for the arrest of the defendant, in whose behalf the bond was given, and require him to give new security or in default thereof may commit him, under the original order and conviction, in the manner prescribed in section six hundred and eighty-six; provided, however, that the total imprisonment upon such order shall not exceed six months in any year. (*As amended by chapter 466 of the Laws of 1901.*)

§ 691. Support of bastard children.—If at any time after an order of filiation in bastardy proceedings shall have been made, and an undertaking given thereon, in accordance with the provisions of this act and of the code of criminal procedure such undertaking shall not be complied with, or that for any reason a recovery thereon cannot be had, or if the original undertaking shall have been complied with, and the sureties discharged therefrom, or if money were deposited in lieu of bail, and the same shall have been exhausted, and the bastard still needs support, the overseers of the poor of any county, city or town, or the commissioner of public charities, where the bastard, for whose support the order of filiation was made, shall be at the time, may upon proof of the making of the order of filiation, the giving of the above mentioned undertaking, and the noncompliance therewith, or that the sureties have been discharged from their liability, or that for any reason a recovery cannot be had on such undertaking, apply to the court in such county, city or town, having jurisdiction in bastardy proceedings, for a warrant for the arrest of the defendant against whom such order of filiation was made, which shall be executed in the manner provided in the code of criminal procedure for the execution of the warrant; upon the arrest and arraignment of the defendant the said court, upon proof of the making of the order of filiation, the giving of the above mentioned undertaking, and the noncompliance therewith, or that for any reason a recovery cannot be had on such undertaking, shall make an order requiring him to give a new undertaking in the manner provided in subdivision one of section eight hundred and fifty-one of the code of criminal procedure for giving an undertaking on conviction, or upon his failure to so give a new undertaking, shall commit him in the manner provided in section eight hundred and fifty-two of said code of criminal procedure. (*As amended by chapter 362 of the Laws of 1904.*)

## BELLEVUE AND ALLIED HOSPITALS IN THE CITY OF NEW YORK.

### TITLE II.

§ 692. Board of trustees, jurisdiction, powers and duties.—  
1. On the first day of February, nineteen hundred and two, the

jurisdiction of the department of public charities of the city of New York over Bellevue hospital and the Fordham, Harlem and Gouverneur hospitals and the Emergency hospital in East Twenty-sixth street in the city of New York, shall cease, and the care, management and control of such hospitals shall be vested in a board of trustees, which shall on said date succeed to all rights, duties and powers heretofore vested in said department of public charities so far as concerns said hospitals. Said board of trustees shall consist of seven residents of the city of New York, together with the commissioner of public charities, *ex officio*. It shall be known as the "Board of Trustees of Bellevue and Allied Hospitals." In the month of January, nineteen hundred and two, the mayor of the city of New York shall appoint one resident of the city of New York to serve as such trustee for the term of one year, one for the term of two years, one for the term of three years, one for the term of four years, one for the term of five years, one for the term of six years and one for the term of seven years, from the first day of February, nineteen hundred and two. In the month of January and on or before the twentieth day thereof, prior to the expiration of the term of office of any trustee, the mayor shall appoint his successor for the full term of seven years. The mayor shall fill any vacancy in the board caused by the death of a trustee, his resignation, removal from the city or otherwise, by the appointment of a trustee to hold office for the unexpired term. Every person appointed to serve as such trustee shall, before entering upon the duties of his office, take and subscribe the oath of office prescribed by the constitution of the state.

2. For the purpose of making the appointments aforesaid, the said mayor shall call upon the president or other executive head of each of the following organizations, to wit: The United Hebrew Charities of the City of New York, the Particular Council of New York of the Society of St. Vincent de Paul in New York, and the New York Association for Improving the Condition of the Poor, to present a list of not less than twice the number of persons to be appointed members of said board of trustees, to fill a vacancy or otherwise. Notice in writing of the dates on which appointments, including the first, to said board of trustees are proposed to be made shall be given by the mayor to each of said

presidents or other executive heads at least ten days prior thereto, and such list of names shall be so presented within three days after the receipt of such notice. Said presidents or other executive heads may each submit, or two or more of them may jointly present, such a list of names. Appointments to said board of trustees may in the discretion of the mayor be made from such list or lists.

3. No trustee shall be subject to removal under the provisions of section ninety-five of this act, but any trustee may be removed by the mayor upon proof either of official misconduct or neglect of duty or of conduct which tends to discredit his office or for mental or physical inability to perform his duties, but before such removal he shall receive due and timely notice in writing of the charges and a copy thereof, and shall be entitled to a hearing on like notice before the mayor and to the assistance of counsel on said hearing. No trustee shall receive pecuniary compensation for his services or be interested directly or indirectly in the furnishing or performing of work, labor, services, materials or supplies of any kind to or for said hospitals by contract or otherwise. No trustee shall hold any office of emolument under the city, county, state or national government, except the office of notary public, or commissioner of deeds, or officers in the national guard.

4. The commissioners of the sinking fund of the city of New York shall within thirty days after the passage of this act prepare a plan for the separation from the department of public charities of the said Bellevue hospital, and the Fordham, Harlem, Gouverneur and Emergency hospitals. Such plan shall apportion to each of said hospitals the lands, buildings, fixtures, furniture and other appurtenances and property, and the books, records, vouchers and other papers hitherto used in connection with or for the purposes of said hospitals, and provide in detail for the transfer thereof to said Board of Trustees of Bellevue and Allied Hospitals on the first day of February, nineteen hundred and two. It shall further apportion to each of said hospitals, the employes and subordinates of every grade in its service of the department of public charities who shall be in service in and about the said hospitals exclusively on said date. To enable said commissioners to prepare such plan, they shall have access to all of the books

and papers which are the property of the city of New York in the custody of said department of public charities, and to visit said hospitals, and to require at any and all times the attendance before them of the commissioner of public charities and of any of his employes and subordinates.

5. Said board of trustees shall organize within ten days after said trustees are appointed. It shall annually choose from its members, at a regular meeting to be held in the month of February, a president and a secretary for the term of one year. It shall establish rules and regulations for the administration and government of said hospitals. It shall administer the moneys appropriated for said hospitals, subject to the general provisions of this act relative to the audit and payment of claims. Said board shall have power to appoint and at pleasure to remove such superintendents, medical officers, subordinate officers and other employes as may be necessary for the efficient management and conduct of said hospitals, subject to the civil service laws and the rules and regulations of the municipal civil service commission. The board of trustees shall keep accurate and detailed accounts, in a form approved by the comptroller, of all moneys received and expended by it, the sources from which they are received and the purposes for which they are expended. It shall during the month of January in each year transmit to the mayor a report as to the condition of the hospitals under its care and the management thereof during the year ending the preceding thirty-first day of December.

6. The medical board of Bellevue hospital, and allied hospitals, shall be composed of the attending and consulting physicians and surgeons of said hospitals on the first day of February, nineteen hundred and two. They and such successors as the board of trustees may appoint shall serve without pecuniary compensation, and shall hold office so long as they shall perform their duties in a manner satisfactory to the said board of trustees. Vacancies occurring in said medical board shall be filled by the said board of trustees by appointment from the medical profession in the city of New York. The said board of trustees shall, on nomination of the said medical board, appoint medical and surgical house officers to the said hospitals, all of whom shall serve without pecuniary compensation.

7. Any person injured or taken sick in the streets or in any public square or place within the city of New York, who may not be safely removed to his or her home, may be sent to and shall be received in the said hospitals for temporary care and treatment, irrespective of his or her place of residence. The said board of trustees shall provide and maintain suitable rooms or wards for the reception, medical examination and temporary care of persons alleged to be insane.

8. The said board of trustees may permit the reception and treatment in the said hospitals, of persons who do not reside in the city of New York, provided that every person so receiving treatment shall be required to pay such sum for board and attendance as may be fixed by said board of trustees, and provided that no such persons shall be received to the exclusion of patients who reside in said city. The said board of trustees shall collect and pay over all such moneys to the chamberlain once every month, and the amount so collected shall be paid into the general fund. The said board of trustees shall, upon making such payments to the chamberlain, report the same to the comptroller of the city of New York.

9. The board of estimate and apportionment and the board of aldermen shall in each year appropriate such sum as in their judgment may be necessary for the support and maintenance of said hospitals. It shall be the duty of the board of trustees thereof to send to the board of estimate and apportionment, on or before the first day of September in each year, an estimate in writing of the sum needed for the ensuing year in the same manner and general form as the heads of departments and other boards of the city of New York are required to furnish.

10. Whenever any sick person in Bellevue or other hospitals hereinbefore mentioned shall, in the judgment of the board of trustees, cease to be a proper case for treatment therein, said board may cause such person to be transferred to the care, custody and control of the commissioner of public charities, who shall forthwith receive and care for such person. In case any sick person under treatment in any of said hospitals shall die while under the care of the board of trustees, the latter, by their properly designated officer or employe, may call upon the commissioner of public charities forthwith to receive and remove the body of such

person, and it shall thereupon be the duty of such commissioner forthwith to receive and remove the same for burial or other proper disposition. The cost and expense of such reception, removal, burial or other proper disposition shall be borne and paid by the department of public charities. (*As amended by chapter 466 of the Laws of 1901.*)

11. In order that suitable trained nurses for the sick in Bellevue and other hospitals may be provided, the board of trustees of Bellevue and allied hospitals shall have power, subject to the approval of the mayor of the city of New York as to terms and conditions, to enter into a contract or contracts with the Bellevue training school for nurses for the occupation and use of any building or buildings as a training school for nurses, for the purpose of continuing, improving and increasing its service in supplying to Bellevue and other hospitals trained nurses for the sick in said hospitals. (*Added by chapter 153 of the Laws of 1906.*)

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#### NIAGARA FALLS, NIAGARA COUNTY.

(Note.—Overseer of the poor elected for a term of two years at a salary of \$1,000, which includes rent and clerk hire.)

Chapter 300, Laws of 1904.

#### ARTICLE III.

§ 95. Overseer of the poor.—It shall be the duty of the overseer of the poor to investigate the character, habits, location or residence, condition and necessities of all applicants for assistance and relief, the result of which shall be recorded in a proper book to be kept for that purpose. He may employ two physicians to attend the poor, their compensation shall be fixed by the board of estimate and apportionment. He shall not approve or pay any bill, account or claim for supplies furnished by any dealer, merchant or other person, unless the claimant, his agent or legal representatives annex thereto an affidavit of such claimant, agent or representative, stating that the bill or account is just and correct, and that the items charged therein and specified in each accompanying order for supplies or relief have been in fact and in good faith furnished by the claimant to the person named in the order and to no other person, and that no part thereof has

been paid or satisfied and that there are no offsets thereto; nor for compensation, expense or service, unless the affidavit shall state that the account is just and correct, and that no part thereof has been paid or satisfied, and that there are no offsets thereto. He shall take up and preserve all orders, bills, accounts and vouchers of his expenditures and payments and at least once a month exhibit the same with his books and files to the common council, who shall proceed to audit the same. If said overseer of the poor shall feel aggrieved by said audit he shall report to the board of estimate and apportionment a detailed statement of all his receipts and disbursements for any period said board may require, showing the money on hand, the date and amount of each order or payment for temporary relief, and the person to whom made or given, and all his other disbursements in like detail. Said report shall be verified by his oath taken before some proper officer, that the same is, and the items thereof are correct to the best of his knowledge and belief. If said report is not sufficiently explicit, the board of estimate and apportionment may call for a further report, which the overseer shall immediately furnish. Except as herein otherwise provided, said overseer shall have the same powers and duties, liabilities and responsibilities as overseers of the poor in the towns of Niagara county, in all matters pertaining to the support and maintenance of the poor of said city, and as to those matters the city shall be regarded as a town of said county. Upon receiving said report, the board of estimate and apportionment shall thereupon proceed to consider and audit the account of said overseer, and shall have all the powers, duties and responsibilities of a board of town auditors in the premises. The affidavits annexed to said overseer's report, or to any of said bills, accounts or vouchers, shall not be conclusive upon the said board in case it shall appear that any claim or item in said report is illegal, unjust or improper, in whole or in a part, but in such case such item or portion thereof shall be disallowed, and said overseer and his sureties shall be liable for the amount thereof. The board of estimate and apportionment shall cause each of said reports of the overseer of the poor (except the names of the persons to whom orders for temporary relief were given) to be published in full, as part of the proceedings of the meeting. The city shall



continue to be the owner of all articles or supplies furnished to any poor person or applicant until the same are consumed. If any person to whom the same shall be furnished shall sell or exchange the same for money, or intoxicating liquor, or in any way dispose of the same other than in the manner directed, such conduct shall be deemed a misdemeanor.

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#### NORTH TONAWANDA, NIAGARA COUNTY.

(Note.—Commissioner of charities appointed by mayor for a term of one year at a salary of \$600.)

Chapter 361, Laws of 1897.

#### TITLE XIII.

##### COMMISSIONER OF PUBLIC CHARITIES.

##### Section 1. Qualifications.

2. Duties and powers.
3. Monthly reports.
4. Accounts to be audited.
5. No profit from supplies.

Section 1. Qualifications.—No member of the common council shall be a commissioner of public charities. Neither shall any person be appointed to the office, who, at the time of such appointment, shall be engaged or interested in business as a grocer, or saloon keeper, or hotel keeper, or in any wise concerned in the manufacture or sale of spirituous or malt liquors, ale or beer, and in case any person appointed to the office shall, during his term, become engaged or interested in either of the occupations above specified, his term of office shall thereupon cease, and the office become vacant, and the mayor shall forthwith appoint another in his place.

§ 2. Duties and powers.—The commissioner of public charities is hereby invested with all the powers and duties now or hereafter to be prescribed and provided by the general statutes of the state of New York, relating to the overseers of the poor in towns, so far as the same is applicable and not inconsistent with this act. It shall be the duty of the commissioner to visit the poor of the city at their several places of abode and examine into their circumstances, and ascertain to what extent they are or may be

in need and entitled to permanent or temporary relief. The said commissioner shall require all persons making application for relief to make such application in writing, which shall be preserved by said commissioner, and at the end of each month all such applications made during the month shall be filed with the city clerk. The commissioner of charities shall have power to administer oaths to and examine under oath any person applying to him for relief, and false swearing during such examination shall be deemed willful perjury. The commissioner shall issue written orders for all means, provisions and supplies furnished to the poor of the city. He shall not employ any physician. The city shall continue to be the owner of all articles or supplies furnished to any poor person or applicant until the same are consumed. If any person to whom the same shall be furnished shall sell or exchange the same for money, or intoxicating liquor, or in any way to dispose of the same other than in the manner directed, such conduct shall be deemed a misdemeanor.

§ 3. Monthly reports.—The commissioner shall, at the first regular meeting of the common council in each month, report to the common council under oath in detail, all appropriations, expenditures, temporary relief and allowances made by him as such commissioner during the month preceding, which report shall specify the name and place of abode of each person relieved, the quality, quantity and price per pound, or otherwise, as the case may be, of each article ordered or furnished, and from whom obtained; said report shall also contain the names and places of abode of all persons to whom meals or lodgings have been furnished, the number of such meals or lodgings, from whom obtained, or by whom furnished, and the cost of the same. Said report shall be filed with the city clerk.

§ 4. Accounts to be audited.—All charges and accounts against said city for services rendered, acts done, or means, provisions or supplies furnished under the direction of the commissioner of charities of said city under the provisions of this act, or otherwise, shall be audited by the common council, and paid from the poor fund of said city.

§ 5. No profit from supplies.—The commissioner of charities shall not, directly or indirectly, furnish to any person, any groceries, provisions, fuel, medicines, or property belonging to

himself, or in which he shall have an interest or be interested, nor shall he be interested in any contract for such purchase of such groceries, provisions, medicines, fuel or property; nor shall he receive any commissions upon or for any goods or articles of relief furnished, or on any orders given by him for any such goods, articles or relief. For any violations of any provisions of this section said commissioner shall be removed from office by the mayor, and he shall forfeit to said city a penalty of one hundred dollars for every such violation.

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OGDENSBURG, ST. LAWRENCE COUNTY.

(Note.—Superintendents of the poor elected for six years. No compensation.)

Chapter 28, Laws of 1882.

AN ACT for the support of the poor in the town of Oswegatchie, in the county of St. Lawrence.

Section 1. The town of Oswegatchie shall not hereafter be subject to taxation for the support or maintenance of the town poor of or in the other towns of the county of St. Lawrence, nor shall the other towns of the county of St. Lawrence be taxed or required to contribute to the support of the town poor of or in the town of Oswegatchie, but such town of Oswegatchie, for all the purposes of supporting it, or poor within its limits and carrying into effect the laws of the state for support and relief of such indigent persons, shall be separate and in distinct district.

§ 2. The office of overseer of the poor in the town of Oswegatchie is hereby abolished. There shall be a corporation in the said town by the name of "the superintendents of the poor of the town of Oswegatchie," which shall possess the usual powers of a corporation for public purposes. Frank Chapman, Daniel Wheeler, Samuel H. Palmer, Nathan Frank, Robert J. Donahue, and William Mayne, are hereby appointed such superintendents for the purpose of carrying into effect the provisions of this act. They shall be divided into three classes, and hold their offices for the periods following, that is to say: Frank Chapman and Daniel Wheeler, shall constitute the first class, and hold their offices until the first Tuesday of March, nineteen hundred and seven;

Samuel H. Palmer and Nathan Frank shall constitute the second class, and hold their offices until the first Tuesday of March, nineteen hundred and nine; and Robert J. Donahue and William Mayne shall constitute the third class, and hold their offices until the first Tuesday of March, nineteen hundred and eleven; and upon the expiration of their several terms of office, their places shall be filled by persons duly elected at the biennial town meetings held in the town of Oswegatchie for the year in which such terms of office shall expire, which elections shall be conducted in the following manner, that is to say: Each elector may place upon a separate ballot the name of one suitable person, who shall be a citizen of the United States, of full age and a resident of said town of Oswegatchie, under the words, "for superintendent of the poor," and deposit the same in a separate box to be provided for that purpose by the officers who shall preside at such town meetings; and a separate poll list shall be kept of the persons voting for such superintendents, and the two persons having the greatest number of votes, at such elections, shall be declared and deemed duly elected. And at every biennial town meeting thereafter there shall be elected, in the same manner, two persons as superintendents. The persons elected shall hold their office for the term of six years, and until others are duly elected in their places. (*As amended by chapter 170 of the Laws of 1905.*)

§ 3. The said superintendents of the poor may sue and be sued in their corporate name in any of the courts of this state. They shall have the sole and exclusive care and management of the poor in the said town, and shall provide for and maintain the persons enumerated in the fourteenth section of the act concerning "the relief and support of indigent persons," in the manner hereinafter mentioned, and for that purpose they shall have and exercise all the powers and authority now vested by law in the overseers of the poor of towns, and in superintendents of the poor of counties, not inconsistent with the provisions of this act. They shall also have and possess the powers following:

1. To appoint, by a resolution to be entered upon their minutes, an officer, to be denominated "the overseer of the poor of the town of Oswegatchie," together with such other agents as may be necessary in order to carry into effect the purposes of this act, which said overseer and other agents shall hold their

offices during the pleasure of the said superintendents, and receive such fixed annual salary as a compensation for their services as the said superintendents may direct. The said superintendents shall require their agent who may act as treasurer to give satisfactory bonds for the faithful discharge of duty as such treasurer.

2. To visit the poor of the said town at their several places of residence, and direct the overseer of the poor so to do, and inquire and examine into their circumstances, the number and ages of the members of their families, the places of their former residence, their employments, for what length of time and to what extent they have been dependent on the public for support, their ability to labor, and the causes of their poverty; and the superintendents may direct either permanent or temporary relief to such poor persons, under such rules and regulations as they may from time to time adopt.

3. To contract for, purchase and provide provisions, fuel, clothing, and other necessities for the support of or distribution among the poor, as in their judgment they may deem necessary.

4. The said superintendents shall have power to receive from the supervisor of the town of Oswegatchie the excise money received in said town outside of the limits of the city of Ogdensburg, with all fines, forfeitures and penalties which may accrue to them as such superintendents, and all fines, which are now by law directed to be paid to the supervisors of the town for the support of the poor, which said several sums of money shall be applied to the support and relief of the poor in said town, according to the provisions of this act, except that all said excise moneys, fines, penalties, forfeitures and other moneys received in or for said town outside of the limits of the city of Ogdensburg shall be applied to them exclusively to the support and relief of the poor of the town outside of said city limits, and all other moneys received by them shall be applied exclusively to the support and relief of the poor of the town within said city limits. (*As amended by chapter 458 of the Laws of 1889.*)

5. The said superintendents shall also have power, and it shall be their duty, to sue in their corporate name for all violation of the excise laws committed in said town, in any court having jurisdiction of such suits. All other suits and proceedings which may now by law be prosecuted and maintained, in the name of

the overseers of the poor of the town of Oswegatchie, to enforce civil remedies, shall and may hereafter be prosecuted and maintained, and such remedies may be enforced, in the name of the superintendents of the poor of the town of Oswegatchie, not in conflict with the charter of the city of Ogdensburg, but shall be additional thereto.

6. Such superintendents may also appoint one of their body president, who shall hold the office during their pleasure, and they may also fill all vacancies which may occur among their number by death, resignation or otherwise, by appointing some suitable person or persons to fill such vacancy or vacancies, who shall hold their office for the unexpired terms of the persons whose places had thus become vacant. They shall keep written records of their proceedings, and may establish rules and regulations for their own government, the government of their overseers, agents, and servants, in the examination of paupers and others applying for or entitled to relief, and in the distribution of food, fuel, clothing and other necessities among the poor of the town.

7. They shall have power from time to time to borrow all such sums of money as they may deem necessary to carry out the powers vested in them by this act, not to exceed twelve thousand dollars in any one year, and to give obligations in their corporate name, to be signed by their president and secretary, for the payment of such sum of money, and of any debts incurred by them as such superintendents, and the town of Oswegatchie shall be liable for the payment of such obligations.

8. They shall have the powers superintendents of the poor now have in relation to lunatics within said town, and to provide for their safe-keeping in a proper place in such town, or to send them to a lunatic asylum.

9. They shall have the same powers as overseers of the poor and county superintendents of the poor now have in relation to bastards within said town. And all proceedings to be had in such cases shall be in their corporate name. And all bonds required according to the provisions of the statutes relating to bastards shall be given to them in their corporate name; but nothing in this act contained shall be construed to release or discharge the superintendents of the poor of St. Lawrence

county from their liability to any person or persons residing in the town of Oswegatchie, supporting any bastard child already chargeable to said county of St. Lawrence, in cases in which they have heretofore compromised with the putative father for such support.

§ 4. The said overseer of the poor shall keep an office, to be provided for him by the said superintendents, in the city of Ogdensburg, which shall be open and accessible to those having business therein, at all seasonable hours. He shall devote his time and attention to the discharge of his public duties, and shall, among other things, attend the meetings of the said board of superintendents, and act as the secretary thereof. He shall aid them in the examination into the circumstances and conditions of the poor persons applying for or entitled to relief, as provided in the second subdivision of second section of this act, and shall keep a record of such examinations. He shall keep the minutes of the proceedings of the superintendents, and an account of their receipts and disbursements, together with the names of the persons relieved, the manner of the relief, and the time when it was rendered, and prepare their annual and other reports. He shall carry into effect the orders and directions of the said superintendents in distributing relief to poor persons, and generally perform all such duties as may be assigned to him from time to time.

§ 5. The said superintendents shall annually, on the first day of November in each year, or when the same shall fall on Sunday, then on the day succeeding, cause to be prepared a report containing an exact and accurate account of all moneys received by them, and the sources from whence such moneys were received during the preceding year, an exact and accurate account of all their expenditures, and of all debts incurred by them, which are unpaid for the same period of time; and the objects for which such expenditures were applied, and the persons to whom they were paid for the same period of time also, the number of those provided with outdoor relief and the expenses incurred for such outdoor relief during the year; which said report shall be signed by the said superintendents and overseers, and filed in the office of the town clerk of such town, and publish a synopsis of the same containing the amounts of receipts and the sources from

whence obtained, the amount of expenditures and for what purpose, in two newspapers published in said city of Ogdensburg, of opposite politics.

§ 6. The said superintendents shall also on the first day of November, and when the same shall fall on Sunday, then on the succeeding day in each year, furnish the supervisor of the town of Oswegatchie with a written estimate, to be signed by them, of the amount of moneys which in their judgment will be required for the support of the poor of said town outside of the limits of the city of Ogdensburg, and for the support of the poor within the limits of the city of Ogdensburg, which said amounts required shall be separately stated; which said amounts in the aggregate shall not exceed in any one year the sum of three mills upon the dollar upon the last preceeding assessment-roll or rolls of said town, which said estimate shall by the said supervisor be laid before the board of supervisors of the county of St. Lawrence at their next thereafter annual meeting, who shall cause the moneys in such estimate mentioned as required for the support and relief of the poor of the town outside of the limits of the city of Ogdensburg to be levied and collected on the assessment-roll of said town of the taxable property outside of said city limits, and the moneys in such estimate mentioned as required for the support and relief of the poor within the limits of said city to be levied and collected on the assessment-rolls of said town of the taxable property within said city limits, at the same time and in the same manner as the other taxes are levied and collected; and they shall also by their warrant, direct and require the collector to pay the same, when collected, to the said superintendents, who shall apply the same to the relief and support of the poor in the manner herein directed. (*As amended by chapter 458 of the Laws of 1889.*)

§ 7. The said superintendents of the poor shall receive no compensation whatever for any services rendered by them under the provisions of this act; but all reasonable and proper expenses, incurred by them in executing their trusts as such superintendents shall be paid out of any moneys raised for the support of the poor as herein mentioned.

§ 8. It shall not be lawful for the said superintendents of the poor, or either of them, or the said overseer of the poor, to be



concerned or interested, directly or indirectly, in the sale of any goods, merchandise or other personal property found, furnished or provided for the use of the poor of the said town of Oswegatchie; nor shall such superintendents and overseer, or either of them, take or receive any profit, reward or emolument, for or on account of any goods, merchandise or personal property found, furnished or provided by any person or persons other than against such superintendents, for the use of the poor of said town. Any violation of the provisions of this section shall be deemed a misdemeanor, punishable by fine and imprisonment.

§ 9. Any of said superintendents and the overseer of the poor of the town of Oswegatchie shall have the power to administer to, and examine under oath, any person or persons applying to them for relief, and to any other person or persons in any matter pertaining to the discharge of their duties under this act, and for that purpose to issue subpoenas requiring the attendance of applicants and witnesses, and false swearing during such examination shall be deemed willful perjury.

§ 10. No person shall be disqualified from acting as judge, justice, witness or juror, by reason of his being a resident, inhabitant or freeholder in said town of Oswegatchie, in any action or proceeding in which the said superintendents of the poor are a party.

§ 11. All disputes between the town of Oswegatchie and any other town in said county as to the settlement of any pauper, or as to which town is liable to support any poor person, shall be decided by the superintendent of the poor of St. Lawrence county as now provided by law.

§ 12. Nothing in this act shall be construed as to require or compel the town of Oswegatchie to support any county pauper or state pauper. Neither shall it be construed as exempting or relieving the town of Oswegatchie from paying its full share of the expense of supporting the county or state poor or from erecting and keeping in repair all county buildings, including the poorhouse, nor from the payment of its share of the salaries of all county officers or employes in the poorhouse of St. Lawrence county.

OLEAN, CATTARAUGUS COUNTY.

(Note.—Overseer appointed by mayor and common council for a term of one year. Salary fixed by common council.)

Chapter 478, Laws of 1893.

TITLE III.

§ 46. Overseer of the poor.—The overseer of the poor shall have the same powers and be liable to the same duties as the overseers of the poor of towns, except as modified by this act. All moneys received by the overseer of the poor from whatever sources shall be paid immediately to the treasurer, who shall place said sums to the credit of the poor fund. He shall pay out no moneys belonging to said city except upon a resolution of the common council. He may from time to time as is necessary and proper issue written orders to indigent persons, which orders shall be in the form prescribed by the common council, and shall be subject to its approval. The overseer of the poor shall render monthly to the common council an itemized statement in writing of his receipts and all orders issued by him, and all expenses incurred by him. The accounts of the overseer of the poor shall be audited by the common council or a committee thereof or their duly authorized agent, or by the mayor or his duly authorized agent or agents. The overseer of the poor shall render to the common council at its last regular meeting next previous to the annual city election a detailed statement showing all receipts, orders issued, and disbursements for the period he has held the office of overseer of the poor, but not exceeding the period of the preceding twelve months. The overseer of the poor shall give a bond to said city as the common council may approve in such amount, but in no case less than five thousand dollars, with sureties to be approved by the common council, conditioned to account for, and for the payment of all moneys received by him as herein provided, and for the faithful discharge of his duties as such overseer of the poor. He shall receive such salary as the common council may fix. The overseer of the poor shall not be directly or indirectly interested in any contract or the purchase or sale of any supplies connected with the administration of his

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office. A violation of this provision shall be deemed a misdemeanor. (*As amended by chapter 10 of the Laws of 1901.*)

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### ONEIDA.

(Note.—Commissioner of charities appointed by the mayor and common council for a term of two years at a salary of \$400.)

Chapter 225, Laws of 1901.

### TITLE VIII.

§ 131. Appointment of commissioner.—The present overseer of the poor of the town of Oneida is hereby continued as commissioner of charities of the city of Oneida and shall hold his office as such commissioner of charities until his successor is appointed as in this act provided. A commissioner of charities shall be appointed to serve to February first, nineteen hundred and two, in the manner provided by section two hundred and fifty-four of this act, and in the month of January in each alternate year thereafter there shall be appointed in the manner provided by this act a commissioner of charities who shall hold office for two years from the first day of February of the year of his appointment. (*As amended by chapter 273 of the Laws of 1904.*)

§ 132. Powers and duties of the commissioner of charities.—Except as provided by this act the commissioner of charities of the city of Oneida shall, within the city of Oneida, have and exercise the same powers and discharge the same duties, to the exclusion of any other officer, as overseer of the poor in towns. The commissioner of charities in the city of Oneida, shall also by virtue of his office, possess all the powers and authority of overseers of the poor of the several towns of the state in relation to the support and relief of indigent persons, the binding out of children, the care of habitual drunkards, the support of bastards and proceedings to charge the fathers and mothers of such bastards, and shall have all such other powers as are conferred on overseers of the poor in the respective towns of this state, and shall be subject to the same duties, obligations and liabilities. It shall be the duty of the commissioner to visit the poor of said city at their several places of abode and examine

into their circumstances, and ascertain to what extent they are or may be in need and entitled to permanent or temporary relief, or medical attendance. No physician other than the city physician shall be employed by the commissioner of charities to attend the poor of said city, unless otherwise ordered or directed by the common council. The commissioner of charities shall have power to administer oaths to, and examine under oath, any person applying to him for relief, and false swearing during such examination shall be deemed wilful perjury. For all purposes relative to the maintenance and support of the poor, the city of Oneida shall be deemed one of the towns of Madison county. The commissioner shall issue written orders for all meals, provisions and supplies furnished to the poor of said city.

§ 133. Monthly report of commissioner.—The commissioner of charities at the first regular meeting of the common council in each month, shall under oath report in detail to the common council all appropriations, expenditures, temporary relief, medical attendance and allowance made by him as such commissioner during the month preceding, which report shall specify the name and place of abode of each person relieved, the quantity and price per pound, or otherwise as the case may be, of each article furnished or ordered, and from whom obtained; said report shall also contain the names and places of abode of all persons to whom meals or lodgings have been furnished, the number of such meals or lodgings, from whom obtained, or whom furnished, and the cost of same. Said report shall be filed with the city clerk.

§ 134. Common council to audit accounts.—All charges and accounts against said city for services rendered, acts done or meals, provisions or supplies, furnished under the direction of the commissioner of charities of said city under the provisions of this act, or otherwise, shall be made out in items, duly verified by the persons entitled to the payment thereof and presented to the common council at the first regular meeting of the said council in each month, for all claims and demands incurred, or which may have accrued during the preceding month. All such claims, accounts and charges shall, if approved, be audited by the common council and paid from the poor fund of said city

by the chamberlain upon the warrant of the mayor, countersigned by the clerk.

§ 135. Commissioner not to be interested in purchases.—The commissioner of charities shall not, directly or indirectly, furnish to any person any groceries, provisions, fuel, medicines or property belonging to himself, or in which he shall have any interest or be interested, nor shall he receive any commission upon or for any goods or articles or relief furnished or on any orders given by him for any such goods, articles or relief. For any violation of any provision of this section, said commissioner shall be removed from office by the common council and he shall forfeit to said city a penalty of one hundred dollars for every such violation.

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#### OSWEGO, OSWEGO COUNTY.

(Note.—Commissioners of charity appointed by the mayor for a term of four years. No compensation.)

#### Chapter 394, Laws of 1895.

#### TITLE IX.

##### DEPARTMENT OF CHARITY.

§ 214. There shall be four commissioners of charity of said city, who shall be appointed by the mayor and shall constitute the department of charity, which department shall be bipartisan and composed of two commissioners of charity from each of the two political parties of the state which at the last general election cast the highest and the next highest number of votes. The commissioners of public charity in office at the time of the passage of this act shall continue in office as commissioners of charity until the expiration of their respective terms and until their successors are appointed and qualified.

§ 215. In April, eighteen hundred and ninety-six, the mayor shall appoint two commissioners of charity to fill the vacancies then existing, one for the term ending December thirty-first, eighteen hundred and ninety-eight, and the other for the term ending December thirty-first, eighteen hundred and ninety-nine; in April, eighteen hundred and ninety-eight, the mayor shall appoint two commissioners of charity to fill the vacancies then

existing, one for the term ending December thirty-first, nineteen hundred, and the other for the term ending December thirty-first, nineteen hundred and one. Thereafter one commissioner of charity shall be appointed by the mayor in January of each year for the term of four years from the first day of January in the year of his appointment.

§ 216. A vacancy in the office of commissioner of charity shall be filled by appointment by the mayor for the unexpired term. Every commissioner of charity shall be from the same political party as the commissioner whom he succeeds and shall serve without compensation.

§ 217. In January of each year the said commissioners shall select from their number one who shall be president of the department.

§ 218. The said department shall have sole and exclusive control of all measures pertaining to the support or relief of the poor of said city. They shall determine the amounts to be raised in each year by tax for poor purposes, and may prescribe to what extent, in what manner and to whom support or relief shall be furnished, and may control the purchase and procuring of all supplies of provisions, fuel or other articles for the use of the poor, and may regulate and control the employment of physicians and medical aid for the poor.

§ 219. The department shall hold two regular meetings each month. They may employ one competent person at a reasonable salary not to exceed one thousand dollars per annum, to transact the business of the department and who may be retained or dismissed at the pleasure of the department, and who shall be designated as the clerk of the department. The said department shall also be allowed to expend not to exceed two hundred dollars per year in extra clerk hire, when necessary. (*As amended by chapter 263 of the Laws of 1897.*)

§ 221. On or before the first day of May in each year, the department shall render an estimate to the common council of the amount required to be raised for the ensuing year for the relief or support of the poor and the incidental expenses of the department, and the common council shall thereupon insert the amount so estimated in the general city assessment for the

current year as the amount to be raised for the poor fund during such year, provided such estimate does not exceed the amount actually expended by the city for the support and relief of the poor during the next year previous.

§ 222. The department of charity shall pay all claims and demands duly audited by it only by warrants drawn on the city chamberlain against the funds in his hands, subject to the draft of such department, signed by its president and countersigned by its clerk, and every warrant so drawn shall be made payable to the order of the person entitled to receive the money thereon.

§ 223. The clerk of the department of charity shall keep regular and full books of account of all its transactions and proceedings, and an accurate record of the fund subject to its warrants, showing at all times the amount of warrants drawn against such fund and the balance of said fund unexpended. The books and accounts of the department shall be open to the inspection of any elector of the city at all reasonable hours.

§ 224. The said department of charity shall possess all the powers conferred by law upon the overseers of the poor of the several towns of this state, and be subject to the same duties, liabilities and obligations.

§ 225. The department of charity shall maintain the city almshouse now erected on lands in the town of Oswego, and may appoint a keeper of the city almshouse and may employ such other persons for the government and management of said almshouse and lands as shall be necessary and may regulate their powers and duties. It shall have exclusive control of the said lands, and of the buildings erected thereon, and the same shall not be levied on or sold by virtue of any warrant or execution, nor be subject to taxation for any purpose whatever; and the common council of said city shall upon the recommendation of said department of charity, sell any part of the lands hereinbefore mentioned upon such terms as the said department shall deem reasonable, and the moneys received therefor shall be paid to the city chamberlain, to the credit of said department.

§ 226. The department of charity may send to and maintain at such almshouse, all persons in the city of Oswego requiring aid from the poor fund of the city, and may also cause such labor,

in manufactures or otherwise, to be performed by the tenants of said almshouse as they shall prescribe, and may provide the materials, implements and machinery therefor at the expense of said department. They may also erect in the said almshouse proper rooms for the confinement and care of idiots and other persons confined therein, and may provide for their care, and may contract with the county of Oswego, or with any town in said county, and with other persons and authorities, for the support, care and medical and surgical attendance of any paupers, idiots, sick, diseased or maimed persons.

§ 227. The department of charity may authorize their clerk to commence and carry on and defend in their name all proceedings authorized by the laws of this state to be commenced and carried on and defended by the overseers of the poor of towns, and to serve in their name and to accept service of all notices that may be served by or upon such overseers of the poor.

§ 228. It shall be the duty of the department of charity and of the clerk thereof to deposit forthwith with the city chamberlain any and all moneys received by it or him from any source whatever belonging to the city or to said department, and the city chamberlain shall credit the same to the poor fund.

§ 229. Whenever any emergency requires the department of charity to expend for the support and maintenance of the poor more than the amount of its estimate for the year, it shall certify the fact to the common council with its estimate of the additional amount required to defray its probable expenses for the balance of the fiscal year, and the common council shall thereupon order the mayor to issue his notes for the additional amount so required and the proceeds of said notes shall be credited by the city chamberlain to the department of charity to be used only to defray its current expenses. The unexpended balance of the contingent fund at the end of the fiscal year shall be applied in payment of said notes so issued for the benefit of the department of charity, and the balance of said notes remaining unpaid after the application of such part of the contingent fund as aforesaid shall be added to the tax levy of the ensuing year.



**PLATTSBURGH, CLINTON COUNTY.**

(Note.—Commissioner of charities appointed by the mayor and the common council for a term of two years at a salary of \$600.)

**Chapter 269, Laws of 1902.****TITLE X.****DEPARTMENT OF CHARITIES.****Section 119. Appointment of commissioner.**

120. Powers and duties of commissioner of charities.

121. Monthly report of commissioner.

122. Common council to audit accounts.

123. Commissioner not to be interested in purchases.

§ 119. Appointment of commissioner.—The board of alms of the town of Plattsburgh, and the overseer of the poor appointed by it, are hereby continued and the said overseer is hereby continued as commissioner of charities of the city of Plattsburgh and shall hold office as such commissioner of charities until his term of office as such overseer has expired and his successor is appointed as in this act provided. Upon the expiration of the term of office of such overseer the mayor shall, subject to the approval of the common council, appoint a suitable person to be commissioner of charities upon the appointment, as in this act provided, of an overseer of the poor of the town of Plattsburgh, the duties of said board of alms and its appointees shall cease, and chapter two hundred and fifty of the laws of eighteen hundred and seventy-eight and all amendments of the same shall thereupon be repealed and the said board of alms and its appointees shall immediately turn over all moneys, property and effects in its hands to the chamberlain of the city and the supervisor of the town, in such proportion as may be required by the board of town auditors of the town of Plattsburgh.

§ 120. Powers and duties of the commissioner of charities.—Except as provided by this act, the commissioner of charities of the city of Plattsburgh shall, within the city of Plattsburgh, have and exercise the same powers and discharge the same duties, to the exclusion of any other person or persons, as overseers of

the poor in towns. The commissioner of charities of the city of Plattsburgh shall also, by virtue of his office, possess all the powers and authority of overseers of the poor of the several towns of the state in relation to the support and relief of indigent persons, the binding out of children, the care of habitual drunkards, the support of bastards and proceedings to charge the fathers and mothers of such bastards and shall have such other powers as are conferred upon overseers of the poor in the respective towns of this state, and shall be subject to the same duties, obligations and liabilities. It shall be the duty of the commissioner to visit the poor of said city at their several places of abode and examine into their circumstances, and ascertain to what extent they are or may be in need and entitled to permanent or temporary relief or medical attendance. No physician other than the city physician shall be employed by the commissioner of charities to attend the poor of said city, unless otherwise authorized or directed by the common council. The commissioner of charities shall have power to administer oaths to, and examine under oath any person applying to him for relief, and false swearing during such examination shall be deemed wilful perjury. For all purposes relative to the maintenance and support of the poor, the city of Plattsburgh shall be deemed one of the towns of Clinton county. The commissioner shall issue written orders for all meals, provisions and supplies furnished to the poor of said city. No claim for expenditures on account of the poor of said city shall be audited or paid, unless such expenditures shall have been made pursuant to a written order of such commissioner.

§ 121. Monthly report of commissioner.—The commissioner of charities, at the first regular meeting of the common council in each month, shall under oath report in detail to the common council all appropriations, expenditures, temporary relief, medical attendance, and allowance made by him as such commissioner during the month preceding, which report shall specify the name and place of abode of each person relieved, the quantity and price per pound, or otherwise as the case may be, of each article furnished or ordered, and from whom obtained; said report shall also contain the names and places of abode of all persons to whom meals and lodgings have been furnished, the

number of said meals and lodgings, from whom obtained, or whom furnished, and the cost of the same. Said report shall be filed with the city clerk.

§ 122. Common council to audit accounts.—All charges and accounts against said city for services rendered, acts done or meals, provisions or supplies furnished under the direction of the commissioner of charities of said city under the provisions of this act, or otherwise, shall be made out in items, duly verified, by the persons entitled to the payment therefor, and presented to the common council at the first regular meeting of said council in each month, for all claims and demands incurred or which may have accrued during the preceding month. All such claims, accounts and charges shall, if approved, be audited by the common council and paid from the poor fund of said city by the chamberlain upon the warrant of the mayor, countersigned by the clerk.

§ 123. Commissioner not to be interested in purchases.—The commissioner of charities shall not, directly or indirectly, furnish to any person, any groceries, provisions, food, medicines or property belonging to himself, or in which he shall have an interest or be interested, nor shall he receive any commission upon or for any goods or articles or relief furnished, or on any orders given by him for any such goods or articles of relief furnished. For any violation of the provisions of this section, said commissioner shall be removed from office by the mayor and he shall forfeit to said city a penalty of one hundred dollars for each violation.

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#### POUGHKEEPSIE, DUTCHESS COUNTY.

(Note.—Commissioners of charities appointed by the mayor for a term of three years. President of board receives a salary of \$100.)

Chapter 425, Laws of 1896.

#### TITLE X.

##### OF THE SUPPORT OF THE POOR.

§ 170. The city of Poughkeepsie shall not hereafter be subjected to taxation for the support and maintenance of the poor and the relief of indigent persons of or in the towns of the county

of Dutchess, nor shall the towns of the county of Dutchess be taxed or required to contribute for the support of the poor and the relief of indigent persons of or in the city; but such city for all the purposes of supporting the poor within its limits, and carrying into effect the laws of the state for the support and relief of indigent persons, shall be a separate and distinct district, except as hereinafter provided.

§ 171. The board of charities of the city of Poughkeepsie shall consist of six members who shall be styled commissioners of charities. Upon the expiration of the terms of office of the present commissioners of charities, and annually thereafter, the mayor shall appoint two commissioners of charities to serve three years. The almshouse of said city shall hereafter be known and designated as the city home. (*As amended by chapter 204 of the Laws of 1901.*)

§ 172. The commissioners of charities shall meet at the board rooms on the first day of January, in each year, unless it be Sunday, and then on the next day, and organize a board by the name of "the commissioners of charities of the city of Poughkeepsie," which shall possess the usual powers of a corporation for public purposes, for the year, by electing one of their number president. If a president of the board shall not be elected on or before the fifth day of January, in any year, the mayor shall forthwith designate one of the commissioners as, and he shall be, the president for the year. After the thirty-first day of December, nineteen hundred and one, the president of said board shall receive an annual salary of one hundred dollars. (*As amended by chapter 204 of the Laws of 1901.*)

§ 173. The said board shall have the sole and exclusive care and management of the poor in said city and shall provide for and maintain the same in the manner hereinafter mentioned; and for that purpose it shall have and exercise all the powers and authority now vested by the poor law in the overseers of the poor of towns, and in the superintendents of the poor of counties, not inconsistent with the provisions of this act. It shall also have and possess the powers following:

1. To appoint, by a resolution to be entered upon its minutes, an officer to be denominated "the superintendent of the poor of the city of Poughkeepsie," who shall also be the keeper of the

city home, and to employ such other agents as may be necessary, in order to carry into effect the purposes of this act; which said superintendent and other agents shall hold their offices during the pleasure of the said board, and receive such fixed annual salary, as a compensation for their services, as the said board may direct.

2. To visit the poor of the said city at their several places of residence, and inquire and examine into their circumstances, and number and ages of the members of their families, the places of their former residence, their employments, for what length of time and to what extent they have been dependent upon the public for support, their ability to labor, and the cause of their poverty; and the board may direct either permanent or temporary relief to such poor persons, irrespective of the cause of such poverty, under such rules and regulations as it may from time to time adopt.

3. To contract for, purchase and provide provisions, fuel, clothing, and other necessities for the support of or the distribution amongst the poor, and such cattle, stock, furniture and farming utensils for the city home and lands as in its judgment it may deem necessary.

4. To cause to be constructed within, or within the vicinity of said city home, a cell or cells or other place or places of confinement, for the temporary imprisonment or detention of vagrants. And the recorder of the city of Poughkeepsie is hereby required by his warrant, to be directed to and executed by one of the police officers of said city, to commit to the custody of the keeper of the said city home, to be confined in such cells or places of confinement, all persons adjudged vagrants according to the provisions of the code of criminal procedure, and liable to be sentenced by him to imprisonment in the county jail therefor; and the keeper of said city home is hereby authorized to require all persons, so committed to his charge, to do and perform such work and labor as he shall direct; and the board and maintenance of every such vagrant at the price per week allowed the sheriff of Dutchess county for the board of prisoners in the county jail, for a term not exceeding sixty days upon any one conviction, shall be a county charge, and shall be audited and paid in the same manner as other county charges.

5. To establish rules and regulations for its own government, the government of its superintendent, and its other agents and servants, in the examination of paupers and others applying for or entitled to relief, or for admission to the city home, and in the distribution of food, fuel, clothing and other necessities among the poor of the city.

6. It shall have the same powers as overseers of the poor have in relation to lunatics within said city, and to provide for their safe-keeping in a proper place in such city, or to send them to a lunatic asylum.

7. It shall have the same powers as overseers of the poor and county superintendents of the poor now have in relation to bastards within said city; and all proceedings to be had in such cases shall be in its corporate name, and all bonds required according to the provisions of the statutes relating to bastards shall be given to it in its corporate name. (*As amended by chapter 659 of the Laws of 1900.*)

§ 174. (*Repealed by chapter 232 of the Laws of 1898.*)

§ 175. (*Repealed by chapter 232 of the Laws of 1898.*)

§ 176. (*Repealed by chapter 232 of the Laws of 1898.*)

§ 177. The said superintendent of the poor shall keep an office, to be provided for him by the said board in the city, which shall be open and accessible to those having business therein, at such hours as said board may designate. He shall devote his time and attention to the discharge of his public duties, and shall attend the meetings of the said board and act as the secretary thereof. He shall aid in the examination into the circumstances and conditions of the poor persons applying for and entitled to relief, and shall keep a record of such examinations. He shall keep the minutes of the proceedings of the board and an account of its receipts and disbursements, together with the names of the persons relieved, the manner of the relief, and the time when it was rendered, and prepare its annual and other reports. He shall carry into effect the orders and directions of the said board in distributing relief to poor persons, and generally perform all such duties as may be assigned to him from time to time.

§ 178. The said board shall, on the thirty-first day of December, make to the common council a report containing an exact and

accurate account of all moneys received by it, and the sources from whence such moneys were received, during the preceding year, and an exact and accurate account of all its expenditures, and of all debts incurred by it which are unpaid for the same period of time, and the objects for which such debts were incurred, and to which such expenditures were applied and the persons to whom they were paid for the same period of time also; the number of persons admitted to and discharged from the city home; the number of those provided with outdoor relief; the expenses incurred for keeping and supplying such city home, and the expenses incurred for such outdoor relief during the year. (*As amended by chapter 659 of the Laws of 1900.*)

§ 179. The said board shall, on or before the first day of October in each year, estimate and certify to the common council what amount of money will be required for the support of the poor of said city during the next year, specifying in detail the objects for which the same will be required, and the amount for each object. And the common council shall appropriate an amount, not exceeding the amount in such estimate mentioned, from the general city fund to be known as the poor fund. (*As amended by chapter 232 of the Laws of 1898.*)

§ 180. The poor fund shall be under the control of the commissioners of charities, and shall be paid out upon resolution of said board, certified by its secretary, by check, containing the name of the person to whom paid, for what purpose, and the date of the meeting when the resolution directing the payment of the same was passed by said board, signed by its president and secretary and not otherwise. (*As amended by chapter 659 of the Laws of 1900.*)

§ 181. It shall not be lawful for the said commissioners of charities, or either of them, or the said superintendent of the poor, to be concerned or interested, directly or indirectly, in the sale of any goods, merchandise or other personal property found, furnished or provided for the use of the poor of the said city of Poughkeepsie; nor shall such commissioners and superintendent, or either of them, take or receive any profit, reward or emolument for or on account of any goods, merchandise or personal property fund, furnished or provided, by any person or persons other than such commissioners, for the use of the poor

of said city. Every violation of the provisions of this section shall be deemed a misdemeanor, punishable by fine or imprisonment. (*As amended by chapter 659 of the Laws of 1900.*)

§ 182. No person shall be disqualified from acting as judge, recorder, witness or juror, by reason of his being a resident, inhabitant or freeholder in said city of Poughkeepsie in any action or proceeding in which the said board is a party. The inhabitants of the city of Poughkeepsie shall not, after the passage of this act, be entitled to vote for superintendent of the poor of Dutchess county at any election for such officer.

§ 183. For all the purposes of the settlement of the poor, according to the provisions of the poor law, the city of Poughkeepsie shall be deemed a town in the county of Dutchess. (*As amended by chapter 659 of the Laws of 1900.*)

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#### RENSSELAER, RENSSELAER COUNTY.

(Note.—Commissioners of charities appointed by the common council for a term of two years at a salary of \$200.)

##### Chapter 359, Laws of 1897.

##### DEPARTMENT OF CHARITIES.

Section 140. Powers and duties of the commissioners of charities.

141. Monthly report of commissioners.

142. Common council to audit accounts.

143. Commissioners not to be interested in purchases.

§ 140. Powers and duties of the commissioners of charities.—Except as otherwise provided by this act, the commissioners of charities of the city of Rensselaer shall have and exercise within their district in the city of Rensselaer the same powers and discharge the same duties, to the exclusion of any other officer, as overseers of the poor in towns. The commissioners of charities of the city of Rensselaer shall, by virtue of their office in their respective districts also possess all the powers and authority of overseers of the poor of the several towns of this state in relation to the support and relief of indigent persons, the binding out of children, the care of habitual drunkards, the binding out and contract for the service of disorderly persons, the sup-



port of bastards and proceedings to charge the fathers and mothers of such bastards and all such other powers as are conferred on overseers of the poor in the respective towns of this state, and shall be subject to the same duties, obligations and liabilities. Each of the commissioners of charities shall receive an annual salary of two hundred dollars, and he shall keep his office in some central and convenient part of his district in said city, to be approved by the common council. It shall be the duty of each commissioner to visit the poor of his district at their several places of abode and examine into their circumstances, and ascertain to what extent they are or may be in need and entitled to permanent or temporary relief. The said commissioner shall require all persons making application for relief, to make such application in writing, which shall be preserved by said commissioner, and at the end of each month all such applications made during the month shall be filed with the city clerk. The commissioners of charities shall have power to administer oaths to, and examine under oath any person applying to them for relief, and false swearing during such examination shall be deemed wilful perjury. For all purposes relation to the maintenance and support of the poor, each poor district herein created of the city of Rensselaer shall be deemed one of the towns of Rensselaer county. The commissioners shall issue written orders for all means, provisions and supplies furnished to the poor of said city. They shall not employ any physician other than the city physician appointed by the common council.

§ 141. Monthly report of commissioners.—Each of said commissioners shall, at the first regular meeting of the common council in each month, report to the common council under oath, in detail, all appropriations, expenditures, temporary relief and allowances made by him as such commissioner during the month preceding, which report shall specify the name and place of abode of each person relieved, the quality, quantity and price per pound, or otherwise, as the case may be, of each article furnished or ordered, and from whom obtained; said report shall also contain the names and places of abode of all persons to whom meals or lodgings have been furnished, the number of such meals and lodgings, from whom obtained, or by whom furnished, and the cost of the same. Said report shall be filed with the city clerk.

§ 142. Common council to audit accounts.—All charges and accounts against said city for services rendered, acts done or means, provisions or supplies furnished under the direction of the commissioners of charities of said city under the provisions of this act, or otherwise, shall be made out in items, duly verified, by the persons entitled to the payment therefor, and presented to the common council at the first regular meeting of said council in each month, for all claims and demands incurred or which may have accrued during the preceding month. All such claims, accounts and charges shall, if approved, be audited by the common council and paid from the poor fund of said city by the treasurer upon the warrant of the mayor, countersigned by the clerk.

§ 143. Commissioners not to be interested in purchases.—The commissioners of charities shall not, directly or indirectly, furnish to any person, any groceries, provisions, fuel, medicines or property belonging to himself, or in which he shall have an interest or be interested, nor shall he receive any commission upon or for any goods or articles or relief furnished, or on any orders given by him for any such goods, articles or relief. For any violation of any provisions of this section, said commissioner shall be removed from office by the common council and he shall forfeit to said city a penalty of one hundred dollars for every such violation.

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#### ROCHESTER, MONROE COUNTY.

(Note.—Commissioner of charities appointed by the mayor for a term of two years. Salary fixed by board of estimate and apportionment.)

Chapter 473, Laws of 1906.

#### ARTICLE. X.

##### DEPARTMENT OF CHARITIES.

Section 170. Commissioner; deputy; overseer of poor.

171. Powers and duties of commissioner.

172. Powers and duties of overseer.

173. City owner of supplies.

Section 170. Commissioner; deputy; overseer of poor.—The commissioner of charities may appoint, to hold office during his

pleasure, a deputy, overseer of the poor, and such other subordinates as may be prescribed by the board of estimate and apportionment. In case of the absence or disability of the commissioner or of a vacancy in the office, the deputy shall discharge the duties of the office until the commissioner returns, his disability ceases or the vacancy is filled. The commissioner, deputy and overseer of the poor, before entering upon the discharge of the duties of their respective offices, shall each execute and file with the city clerk an official undertaking in such penal sum as may be prescribed by the common council.

§ 171. Powers and duties of commissioner.—The commissioner of charities shall have the general care, management, administration and supervision of the charities, almshouses, hospitals, houses of correction, orphan asylums and all other similar institutions, the control or government of which belongs or is intrusted to the city. He shall make regulations for the expenditure of the moneys appropriated for the support or relief of the poor and for the general supervision of such expenditures. He shall investigate fully the circumstances of all persons alleged to be destitute or without proper means of support, or without proper guardianship, or who are in danger of becoming or are a public burden in any respect; and also the circumstances of their relatives or other persons whose duty it is to relieve or maintain them or contribute to their support; also to institute and prosecute any and all actions and proceedings authorized by law to compel any and all persons liable for the care, maintenance, education or support of any such destitute or dependent persons to contribute thereto, and to indemnify the city and public against any expenditures on account thereof. He shall also prosecute any and all bonds, undertakings or recognizances given for any of the purposes herein mentioned or in any manner relating thereto. Any and all moneys recovered in any such suit, action or proceeding or otherwise paid to or received by the said commissioner on account of the care, maintenance, relief, education or support of any such persons shall be deposited by the commissioner with the city treasurer as a trust fund, and the same shall be applied and expended by the said commissioner for the purpose on account of which the same were paid. Any surplus remaining in said fund at the close of the fiscal year shall be

treated as an unexpended balance of money appropriated for such department. The commissioner shall furnish to and file with the comptroller a monthly statement in detail of all receipts and expenditures, including the aid and relief granted by him, with the names and addresses of all recipients.

§ 172. Powers and duties of overseer.—The overseer of the poor, subject to the regulations and supervision of the commissioner, shall possess all the power and authority of overseers of the poor in the several towns of the county in which the city is situated, and be subject to the same duties, obligations and liabilities. The overseer and his assistants shall have the power to examine under oath any person applying for relief.

§ 173. City owner of supplies.—The city shall continue to be the owner of supplies furnished to any poor person or applicant for relief until the same are consumed. If any person to whom the same shall be furnished shall sell or exchange the same for money or intoxicating liquors or in any way dispose of the same other than in the manner directed, such conduct shall be deemed a misdemeanor.

§ 174. Liability of city.—Nothing contained in this act shall be deemed to make the city liable for the support or relief of any poor person when it is not otherwise so liable.

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## ROME, ONEIDA COUNTY.

(Note.—Commissioners of charity appointed by mayor for a term of four years. Salary fixed by the common council.)

### Chapter 650, Laws of 1904.

## TITLE X.

### THE BOARD OF CHARITY.

§ 133. The commissioners of charity appointed as herein provided, shall constitute the board of charity for the city.

§ 134. The board of charity shall have all the powers and perform all the duties within said city which are now possessed and performed by overseers of the poor in any town in the county of Oneida, except as otherwise provided by this act. The expenses of the poor, including the salary of the superintendent as de-

terminated by the common council shall be levied by the board of supervisors upon the city as heretofore upon the town of Rome. (*As amended by chapter 651 of the Laws of 1906.*)

§ 135. The said board shall choose some competent person for superintendent of charities, whose duty shall be to administer the charities of the city under its direction. The said board shall recommend to the common council the salary to be paid to such superintendent and the common council shall determine the salary to be paid to the superintendent before his appointment, and when the salary is once fixed it shall not be changed except by the common council upon the recommendation of the board of charity. The superintendent of charities shall hold office during the pleasure of the board of charity.

§ 136. As provided by section one hundred and forty-eight of this act the board of charity shall submit in writing to the common council the estimated expenses of the board for the ensuing year in its work, and the common council shall have power to ratify or modify such estimate and shall set apart as the poor fund the sum thus fixed for the year. The said fund shall be held by the city treasurer as the poor fund and shall be used for no other purpose than for the expenses of said board. The said board shall not expend any sum in addition to the amount authorized by the common council. In case in any year, however, additional funds are required by the board of charity, it shall submit to the common council an estimate of the amount needed and specifying the reasons why the same is required; and if the common council authorize additional funds, the same shall be set apart in the hands of the treasurer to the credit of the poor fund, and the common council is hereby authorized to borrow on the credit of the city such sum as they may deem advisable for said board and to add the same to the next tax levy.

§ 137. The superintendent shall be the executive officer of the board of charity, and shall carry into effect all directions of said board evidenced by a resolution entered upon the minutes thereof. He shall have only such powers as are conferred upon him by resolution entered upon the minutes of the board.

§ 138. All payments from the poor fund shall be paid by warrants drawn upon the city treasurer, signed by the president of said board, the city clerk and the superintendent of charities,

stating in every instance the name of the person to whom payable, the amount thereof and what the payment is for, with a reference to the resolution authorizing the same, giving the date thereof. (*As amended by chapter 651 of the Laws of 1906.*)

§ 139. Nothing in this act contained as to the qualification of city officers shall be construed to prevent the appointment of women as commissioners of charity, and the mayor is hereby empowered to appoint not more than two women of full age, who are residents of the city of Rome, as commissioners of charity.

§ 140. The said board shall have power to appoint a competent physician, or physicians, whose duties shall be under the direction of the board of charity, to give medical attendance to the poor of the city, and to perform such duties as the board of charity may prescribe. The said board shall recommend to the common council the salary to be paid to such city physician, or physicians, and upon the determination of the salary the said board shall be authorized to select a city physician or physicians who shall hold office during the pleasure of the board. The health officer shall not be eligible for the office of city physician.

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#### SCHENECTADY, SCHENECTADY COUNTY.

(Note.—Overseer appointed by the common council for a term of two years. Salary fixed by board of estimate and apportionment. But see chapter 473 of the Laws of 1906, page 407, which goes into effect January 1, 1908, and will then apply to Schenectady also.)

Chapter 371, Laws of 1903.

#### TITLE XI.

##### THE POOR AND THEIR SUPPORT.

Section 340. Powers and duties of overseers of the poor.

341. Support of poor.

342. Board of magistrates; relief of poor.

343. Expenses for the relief of poor to be defrayed from liquor tax moneys.

344. City owner of supplies.

§ 340. Powers and duties of overseer of the poor.—The overseer of the poor, appointed under this act, shall possess all the

powers and perform all the duties, and be subject to all the provisions of law, conferred or imposed upon, or applicable to, overseers of the poor in the several towns of this state, except in relation to applications for relief by, or the granting of relief and support, whether permanent or temporary, to indigent persons, and except as may be otherwise inconsistent with the provisions of this act.

§ 341. Support of poor.—Indigent persons, and such others as shall be entitled to relief under the laws of this state, who are or shall become chargeable, or likely to become chargeable, to said city, being in said city, shall continue to be supported and relieved in the manner provided by law, in respect to the county of Schenectady, except as herein otherwise provided.

§ 342. Board of magistrates; relief of poor.—The board of magistrates shall consist of the police justice, and two aldermen, to be selected by the common council. The police justice shall be the chairman of such board. The board shall have all the powers and perform all the duties of overseers of the poor of the several towns of this state in relation to applications of poor persons for relief or support, and in granting or withholding the same, subject to the direction and control of the common council. It shall be the duty of the police justice, as chairman of the board, to take the examination of all persons applying for relief, and he shall carry out the decision of the board of magistrates in respect thereto. And in the absence of the other members of the board such police justice shall have the power to decide upon such applications, make such orders and grant such relief as the circumstances of each case shall warrant and require. The common council may, by ordinance, impose other duties upon such board of magistrates, relative to the poor of said city and the mode and extent of granting relief, and the terms and conditions thereof. Any order issued for the relief of a poor person, any part of which is paid, directly or indirectly, in spirituous or fermented liquors, shall be void and uncollectable.

§ 343. Expenses for the relief of the poor to be defrayed from liquor tax moneys.—So much of the moneys received by the city of Schenectady from the issuance of liquor tax certificates therein as may be necessary shall be applied by the board of estimate

and apportionment and the common council to the support and relief of the city poor.

§ 344. City owner of supplies.—The city shall continue to be the owner of all articles or supplies furnished to any poor person or applicant until the same shall be consumed. If any person to whom the same are furnished shall sell or exchange them for money or intoxicating liquor, or in any way dispose thereof, other than in the manner directed, he shall be guilty of a misdemeanor.

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#### SYRACUSE, ONONDAGA COUNTY.

(Note.—Commissioner of charities and correction appointed by the mayor for a term of two years. Salary fixed by board of estimate and apportionment.)

Chapter 473, Laws of 1906.

#### ARTICLE X.

##### DEPARTMENT OF CHARITIES.

Section 170. Commissioner; deputy; overseer of poor.

171. Powers and duties of commissioner.

172. Powers and duties of overseer.

173. City owner of supplies.

Section 170. Commissioner; deputy; overseer of poor.—The commissioner of charities may appoint, to hold office during his pleasure, a deputy, overseer of the poor, and such other subordinates as may be prescribed by the board of estimate and apportionment. In case of the absence or disability of the commissioner or of a vacancy in the office, the deputy shall discharge the duties of the office until the commissioner returns, his disability ceases or the vacancy is filled. The commissioner, deputy and overseer of the poor, before entering upon the discharge of the duties of their respective offices, shall each execute and file with the city clerk an official undertaking in such penal sum as may be prescribed by the common council.

§171. Powers and duties of commissioner.—The commissioner of charities shall have the general care, management, administration and supervision of the charities, almshouses, hospitals,



houses of correction, orphan asylums and all other similar institutions, the control or government of which belongs or is intrusted to the city. He shall make regulations for the expenditure of the moneys appropriated for the support or relief of the poor and for the general supervision of such expenditures. He shall investigate fully the circumstances of all persons alleged to be destitute or without proper means of support, or without proper guardianship, or who are in danger of becoming or are a public burden in any respect; and also the circumstances of their relatives or other persons whose duty it is to relieve or maintain them or contribute to their support; also to institute and prosecute any and all actions and proceedings authorized by law to compel any and all persons liable for the care, maintenance, education or support of any such destitute or dependent persons to contribute thereto, and to indemnify the city and public against any expenditures on account thereof. He shall also prosecute any and all bonds, undertakings or recognizances given for any of the purposes herein mentioned or in any manner relating thereto. Any and all moneys recovered in any such suit, action or proceeding or otherwise paid to or received by the said commissioner on account of the care, maintenance, relief, education or support of any such persons shall be deposited by the commissioner with the city treasurer as a trust fund, and the same shall be applied and expended by the said commissioner for the purpose on account of which the same were paid. Any surplus remaining in said fund at the close of the fiscal year shall be treated as an unexpended balance of money appropriated for such department. The commissioner shall furnish to and file with the comptroller a monthly statement in detail of all receipts and expenditures, including the aid and relief granted by him, with the names and addresses of all recipients.

§ 172. Powers and duties of overseer.—The overseer of the poor, subject to the regulations and supervision of the commissioner, shall possess all the power and authority of overseers of the poor in the several towns of the county in which the city is situated, and be subject to the same duties, obligations and liabilities. The overseer and his assistants shall have the power to examine under oath any person applying for relief.

§ 173. City owner of supplies.—The city shall continue to be the owner of supplies furnished to any poor person or applicant

for relief until the same are consumed. If any person to whom the same shall be furnished shall sell or exchange the same for money or intoxicating liquors or in any way dispose of the same other than in the manner directed, such conduct shall be deemed a misdemeanor.

§ 174. Liability of city.—Nothing contained in this act shall be deemed to make the city liable for the support or relief of any poor person when it is not otherwise so liable.

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TONAWANDA, ERIE COUNTY.

(Note.—Commissioner of charities appointed by the mayor for a term of two years at a salary of \$500.)

Chapter 357, Laws of 1905.

TITLE XII.

COMMISSIONER OF PUBLIC CHARITIES.

Section 1. Qualifications.

2. Powers and duties.
3. Monthly reports.
4. Accounts to be audited.
5. No profit from supplies.

Section 1. Qualifications.—No member of the common council shall be a commissioner of public charities. Neither shall any person be appointed to the office, who, at the time of such appointment, shall be engaged or interested in business as a grocer, a saloon keeper, or hotel keeper, or in any wise concerned in the manufacture or sale of spirituous or malt liquors, ale or beer, and in case any person appointed to the office, shall, during his term, become engaged or interested in either of the occupations above specified, his term of office shall thereupon cease, and the office become vacant, and the mayor shall forthwith appoint another in his place.

§ 2. Duties and powers.—The commissioner of public charities is hereby invested with all the powers and duties now or hereafter to be prescribed and provided by the general statutes of the state of New York, relating to overseers of the poor in towns, so far as the same is applicable and not inconsistent with this act. It shall be the duty of the commissioner to visit the poor

of the city at their several places of abode and examine into their circumstances, and ascertain to what extent they are or may be in need and entitled to permanent or temporary relief. The said commissioners shall require all persons making application for relief to make such application in writing, which shall be preserved by said commissioner, and at the end of each month all such applications made during the month shall be filed with the city clerk. The commissioner of charities shall have power to administer oaths to and examine under oath any person applying to him for relief, and false swearing during such examination shall be deemed wilful perjury. The commissioner shall issue written orders for all means, provisions, and supplies furnished to the poor of the city. He shall not employ any physician. The city shall continue to be the owner of all articles or supplies furnished to any poor person or applicant until the same are consumed. If any person to whom the same shall be furnished shall sell or exchange the same for money, or intoxicating liquor, or in any way dispose of the same other than in the manner directed, such conduct shall be deemed a misdemeanor.

§ 3. Monthly reports.—The commissioner shall, at the first regular meeting of the common council in each month, report to the common council under oath in detail, all appropriations, expenditures, temporary relief and allowances made by him as such commissioner during the month preceding, which report shall specify the name and place of abode of each person relieved, the quality, quantity and price per pound, or otherwise, as the case may be, of each article ordered or furnished, and from whom obtained; said report shall also contain the names and places of abode of all persons to whom meals or lodgings have been furnished, the number of such meals or lodgings, from whom obtained, or by whom furnished, and the cost of the same. Said reports shall be filed with the city clerk.

§ 4. Accounts to be audited.—All charges and accounts against said city for services rendered, acts done, or means, provisions, medicines or supplies furnished under the direction of the commissioner of charities of said city under the provisions of this act, or otherwise, shall be audited by the common council, and paid from the poor fund of said city.

§ 5. No profit from supplies.—The commissioner of charities shall not, directly or indirectly, furnish to any person, any groceries, provisions, fuel, medicines, or property belonging to himself, or in which he shall have an interest or be interested, nor shall he be interested in any contract for such purchase of groceries, provisions, medicines, fuel or property; nor shall he receive any commissions upon or for any goods or articles of relief furnished, or on any orders given by him for any such goods, articles or relief. For any violations of any provisions of this section said commissioner shall be removed from office by the mayor, and he shall forfeit to said city a penalty of one hundred dollars for every such violation.

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TROY, RENSSELAER COUNTY.

(Note.—Commissioner of charities and correction appointed by the mayor for a term of two years. Salary fixed by board of estimate and apportionment.)

Chapter 473, Laws of 1906.

ARTICLE X.

DEPARTMENT OF CHARITIES.

Section 170. Commissioner; deputy; overseer of poor.

171. Powers and duties of commissioner.

172. Powers and duties of overseer.

173. City owner of supplies.

Section 170. Commissioner; deputy; overseer of poor.—The commissioner of charities may appoint, to hold office during his pleasure, a deputy, overseer of the poor, and such other subordinates as may be prescribed by the board of estimate and apportionment. In case of the absence or disability of the commissioner or of a vacancy in the office, the deputy shall discharge the duties of the office until the commissioner returns, his disability ceases or the vacancy is filled. The commissioner, deputy and overseer of the poor, before entering upon the discharge of the duties of their respective offices, shall each execute and file with the city clerk an official undertaking in such penal sum as may be prescribed by the common council.

§ 171. Powers and duties of commissioner.—The commissioner of charities shall have the general care, management, administration and supervision of the charities, almshouses, hospitals, houses of correction, orphan asylums and all other similar institutions, the control or government of which belongs or is intrusted to the city. He shall make regulations for the expenditure of the moneys appropriated for the support or relief of the poor and for the general supervision of such expenditures. He shall investigate fully the circumstances of all persons alleged to be destitute or without proper means of support, or without proper guardianship, or who are in danger of becoming or are a public burden in any respect; and also the circumstances of their relatives or other persons whose duty it is to relieve or maintain them or contribute to their support; also to institute and prosecute any and all actions and proceedings authorized by law to compel any and all persons liable for the care, maintenance, education or support of any such destitute or dependent persons to contribute thereto, and to indemnify the city and public against any expenditures on account thereof. He shall also prosecute any and all bonds, undertakings or recognizances given for any of the purposes herein mentioned or in any manner relating thereto. Any and all moneys recovered in any such suit, action or proceeding or otherwise paid to or received by the said commissioner on account of the care, maintenance, relief, education or support of any such persons shall be deposited by the commissioner with the city treasurer as a trust fund, and the same shall be applied and expended by the said commissioner for the purpose on account of which the same were paid. Any surplus remaining in said fund at the close of the fiscal year shall be treated as an unexpended balance of money appropriated for such department. The commissioner shall furnish to and file with the comptroller a monthly statement in detail of all receipts and expenditures, including the aid and relief granted by him, with the names and addresses of all recipients.

§ 172. Powers and duties of overseer.—The overseer of the poor, subject to the regulations and supervision of the commissioner, shall possess all the power and authority of overseers of the poor in the several towns of the county in which the city is situated, and be subject to the same duties, obligations and lia-

bilities. The overseer and his assistants shall have the power to examine under oath any person applying for relief.

§ 173. City owner of supplies.—The city shall continue to be the owner of supplies furnished to any poor person or applicant for relief until the same are consumed. If any person to whom the same shall be furnished shall sell or exchange the same for money or intoxicating liquors or in any way dispose of the same other than in the manner directed, such conduct shall be deemed a misdemeanor.

§ 174. Liability of city.—Nothing contained in this act shall be deemed to make the city liable for the support or relief of any poor person when it is not otherwise so liable.

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#### UTICA, ONEIDA COUNTY.

(Note.—One commissioner of charities elected and one appointed annually by board of town auditors. Term three years. No compensation. But see chapter 473 of the Laws of 1906, page 417, which goes into effect January 1, 1908, and will then apply to Utica also.)

#### Chapter 30, Laws of 1873.

AN ACT to create a board of charities in and for the city of Utica.

Section 1. At the next annual charter election to be held in the city of Utica, there shall be elected and appointed six commissioners of charities for the said city, those to be elected shall be elected in the same manner as justices of the peace are elected therein. No elector shall vote for more than three of such commissioners, and the three receiving the greatest number of votes each shall be duly elected as such officers, and the three having the next highest No.\* of votes shall be appointed by the board of town auditors of said city on the Tuesday succeeding such election. All votes given for said commissioners in violation of this provision shall be void and shall not be canvassed in the result of such election.

§ 2. Within ten days after their election and appointment, the persons so elected and appointed shall take and subscribe the

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\* So in original.

oath of office prescribed by the constitution, and file the same with the clerk of said city, and they or a majority of them shall thereupon meet at said clerk's office upon notice, and shall cause the whole number of commissioners so chosen to be divided into three classes, to be severally numbered first, second and third. The term of office of the first class shall expire at the end of one year, of the second class at the end of two years, and of the third class at the end of three years; but each class shall continue in office until their successors are duly elected or appointed, and have taken the oath of office.

§ 3. At every election for officers of the city thereafter there shall in like manner be one commissioner of charities elected and one appointed to supply the places of those whose terms of office are about to expire. No elector shall vote for more than one commissioner at such election, except as hereinafter provided, and the one receiving the greatest number of votes shall be duly elected and the one receiving the next highest number of votes at such election shall be appointed commissioner by the board of town auditors of said city on the first Tuesday in November succeeding such election, and such persons shall hold their offices respectively for the term of three years and until their successors are elected or appointed and have taken and filed their oaths of office. The term of office of all commissioners elected or appointed pursuant to the provisions of this act shall commence on the first day of January succeeding their election or appointment, except as hereinafter provided. The terms of the two commissioners of charities whose terms would expire on the second Tuesday of March, eighteen hundred and ninety-three, under the law as heretofore existing are hereby extended to January one, eighteen hundred and ninety-four. Their successors shall be voted for at the annual election for officers of the city, to be held on the seventh day of November, eighteen hundred and ninety-three, and shall take office on the first day of January, eighteen hundred and ninety-four, and hold the same for the term of two years. The successors to the two commissioners of charities whose terms would expire on the second Tuesday of March, eighteen hundred and ninety-four, under the law as heretofore existing shall be voted for at the said election for officers of the city, to be held on said seventh day of November, eighteen hundred and

ninety-three, and shall take office on the second Tuesday in March, eighteen hundred and ninety-four, and shall hold the same until the first day of January, eighteen hundred and ninety-seven. The successors to the two commissioners of charities whose terms would expire on the second Tuesday of March, eighteen hundred and ninety-five, under the law as heretofore existing, shall be voted for at the election for officers of the city, to be held on the Tuesday next succeeding the first Monday of November, eighteen hundred and ninety-four, and shall take office on the said second Tuesday in March, eighteen hundred and ninety-five, and shall hold the same until the first day of January, eighteen hundred and ninety-eight. (*As amended by chapter 12 of the Laws of 1893.*)

§ 4. No person shall be eligible to election or appointment as such commissioner whose name is not upon the last assessment roll of said city preceding their election for an amount of taxable property not less than two thousand dollars, and whenever any such commissioner shall cease to be liable to such assessment, and shall not be assessed therefor, his office shall thereupon become vacant.

§ 5. The board of town auditors of said city shall make appointments of commissioners to fill vacancies which may occur for any cause other than the expiration of the term of office of the persons elected or appointed as aforesaid, and when such appointments are made the person in each instance so appointed shall be selected from the political party and of the same political faith as the commissioner at the time of his election or appointment whose unexpired term he shall be appointed to fill. The commissioners so appointed shall hold their office for the unexpired term of those to supply whose places they were appointed.

§ 6. Resignations may be made to the said board of town auditors, and any commissioner of charities in and for said city, may be removed from office for neglect of duty or official misconduct by said board of auditors, upon a two-thirds affirmative vote of all the members thereof.

§ 7. The commissioners aforesaid shall constitute a board to be styled, "The Board of Charities of the City of Utica," which shall possess all the powers and execute all the duties of overseer of the poor in said city, which are possessed by said officers



in the several towns in this state, and a majority of the board shall constitute a quorum for the transaction of business. At their first meeting, after the first day of January in each year, they shall elect one of their number chairman, and whenever the chairman shall be absent from a meeting of the board they may appoint a chairman pro tempore. They shall also elect a clerk who shall not be a member of the board and who shall hold his office during the pleasure of the board. No member of the said board shall be paid or receive any compensation for his services as such, but the clerk thereof may be paid an annual salary not exceeding eighteen hundred dollars to be fixed by the said board of charities. (*As amended by chapter 12 of the Laws of 1893.*)

§ 8. The clerk of said board shall keep a record of the proceedings thereof, and such records, together with all the books, papers and accounts connected therewith, shall at all times be subject to inspection of the said board of town auditors, or a committee thereof.

§ 9. The said board of charities shall have power, and it shall be their duty to appoint such persons as they deem necessary and proper, not exceeding two, to aid in the discharge of the duties of said board, and the special duty of the persons so appointed shall be to personally investigate the character, habits, location of residence, condition and necessities of all applicants to said board for assistance and relief, the result of which shall be recorded in a book to be kept for such purpose. The compensation for such persons, not exceeding two dollars per day each while engaged in the discharge of their duties, shall be fixed by said board of charities.

§ 10. The said board of charities shall adopt uniform rules and regulations, by and under which such assistance or relief shall be administered; which rules shall be observed by the employes of said board in the discharge of the duties imposed by this act.

§ 11. It shall be the duty of said board of charities to furnish at all times to the board of town auditors of said city, any information in their possession connected with the accounts created by them in pursuance of this act.

§ 12. The expenditures made by the commissioners of charities in pursuance of the authority conferred in this act, shall be audited by the board of town auditors of said city in the same manner, and the same shall be levied, collected and paid the same as other town charges in said city are levied, collected and paid.

§ 13. All moneys received by said commissioners of charities in their official capacity from any source shall, within five days thereafter, be paid to the treasurer of the board of town auditors of said city, and any omission to comply with the requirements of this section shall subject such delinquent person or persons to a penalty of two hundred and fifty dollars, to be sued for and recovered in the name of said board of town auditors.

§ 14. All orders for assistance and relief to destitute applicants who may be entitled thereto and all commitments to the county poor-house or to the state lunatic asylum, and all proceedings in relation to bastardy shall be made, instituted and issued in the name of the board of charities of the city of Utica, by the clerk of said board, but no proceedings shall be instituted or had, and no such order or commitment shall be issued or made, except in pursuance of either general or special rules and regulations of said board, authorizing the same, and any clerk willfully violating this provision shall, upon conviction therefor, be sentenced to confinement in the Albany county penitentiary for a term not less than ninety days nor more than one year, or to pay a penalty of one hundred dollars for each offense, in the discretion of the court. (*As amended by chapter 91 of the Laws of 1878.*)

§ 15. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

§ 16. The office of overseer of the poor in said city is hereby abolished.

§ 17. This act to take effect on the first Monday of March next, except section sixteen thereof, which shall take effect on the third Tuesday of said month.

## WATERTOWN, JEFFERSON COUNTY.

(Note.—Commissioners of charity appointed by mayor and common council for a term of two years. Compensation fixed by common council.)

Chapter 760, Laws of 1897.

## TITLE XI.

## THE BOARD OF CHARITY.

§ 165. The commissioners of charity appointed as herein provided, shall constitute the board of charity for the city.

§ 166. The board of charity shall have all the powers and perform all the duties within said city which are now possessed and performed by the overseers of the poor of the towns or by supervisors acting as overseers of the poor of the towns in the county of Jefferson, as provided by chapter eight hundred and seventeen of the laws of eighteen hundred and seventy-three, entitled "An act to provide for the support of the poor in the county of Jefferson" and the several acts amendatory thereof, and by the general laws of the state, except as herein otherwise provided.

§ 167. The said board shall choose some competent person for superintendent of charities, whose duty shall be to administer the charities of the city under its direction. The said board shall recommend to the common council the salary to be paid to such superintendent and the common council shall determine the salary to be paid to the superintendent before his appointment, and when the salary is once fixed it shall not be changed except by the common council upon the recommendation of the board of charity. The superintendent of charities shall hold office during the pleasure of the board of charity.

§ 168. As provided by section one hundred and seventy-seven of this act the board of charity shall submit in writing to the common council the estimated expenses of the board for the ensuing year in its work, and the common council shall have power to ratify or modify such estimate and shall set apart as the "poor fund" the sum thus fixed for the year. The said fund shall be held by the city treasurer as the poor fund and shall be used for no other purpose than for the expenses of said board. The said board shall not expend any sum in addition

to the amount authorized by the common council. In case in any year, however, additional funds are required by the board of charity it shall submit to the common council an estimate of the amount needed and specifying the reasons why the same is required; and if the common council authorize additional funds the same shall be set apart in the hands of the treasurer to the credit of the poor fund, and the common council is hereby authorized to borrow on the credit of the city such sum as they may deem advisable for said board and to add the same to the next tax levy.

§ 169. The superintendent shall be the executive officer of the board of charity and shall carry into effect all directions of said board evidenced by a resolution entered upon the minutes thereof. He shall have only such powers as are conferred upon him by resolution entered upon the minutes of the board.

§ 170. All payments from the charity fund shall be made by warrants drawn upon the city treasurer, signed by the president of said board, the city clerk and the superintendent of charities, stating in every instance the name of the person to whom payable, the amount thereof and what the payment is for, with a reference to the resolution authorizing the same, giving the date thereof.

§ 171. Nothing in this act contained as to the qualification of city officers shall be construed to prevent the appointment of women as commissioners of charity, and the mayor is hereby empowered to appoint not more than two women of full age, who are residents of the city of Watertown, as commissioners of charity.

§ 172. The said board shall have power to appoint some competent physician whose duties shall be, under the direction of the board of charity, to give medical attendance to the poor of the city and to perform such duties as the board of charity may prescribe. The said board shall recommend to the common council the salary to be paid to such city physician, and upon the determination of the salary the said board shall be authorized to select a city physician who shall hold office during the pleasure of the board. Nothing in this act shall be construed to prevent the "health officer" of the city from being appointed city physician by the said board.

## WATERVLIET, ALBANY COUNTY.

(Note.—Commissioner of charities appointed by mayor and common council for a term of two years at a salary of \$500.)

Chapter 905, Laws of 1896.

## TITLE X.

## THE COMMISSIONER OF CHARITIES.

Section 1. Powers and duties of the commissioner of charities.

2. Monthly report of commissioner.
3. Common council shall audit and pay accounts.
4. Commissioner not to be interested in purchases.

Section 1. Powers and duties of the commissioners of charities.—Except as otherwise provided by this act, the commissioner of charities of the city of Watervliet shall have and exercise within the city of Watervliet the same powers and discharge the same duties, to the exclusion of any other officer, as overseers of the poor in towns. The commissioner of charities of the city of Watervliet shall, by virtue of his office, also possess all the powers and authority of overseers of the poor of the several towns of this state in relation to the support and relief of indigent persons, the binding out of children, the care of habitual drunkards, the binding out and contract for the service of disorderly persons, the support of bastards and proceedings to charge the fathers and mothers of such bastards, and all such other powers as are conferred on overseers of the poor in the respective towns of this state, and shall be subject to the same duties, obligations and liabilities. The commissioner of charities shall receive an annual salary of five hundred dollars, and he shall keep his office in some central and convenient part of the city, to be approved by the common council. It shall be the duty of the commissioner to visit the poor of the city at their several places of abode and examine into their circumstances, and ascertain to what extent they are or may be in need and entitled to permanent or temporary relief. The said commissioners shall require all persons making application for relief, to make such application in writing, which shall be preserved by said commissioner, and at the end of each month all such applications made during the month shall be filed with the city clerk. The commissioner of charities

shall have power to administer oaths to, and examine under oath any person applying to him for relief, and false swearing during such examination shall be deemed wilful perjury. For all purposes relating to the maintenance and support of the poor, the city of Watervliet shall be deemed one of the towns of Albany county. The commissioner shall issue written orders for all means, provisions and supplies furnished to the poor of said city. He shall not employ any physician other than the city physician appointed by the board of health.

§ 2. Monthly report of commissioner.—Said commissioner shall, at the first regular meeting of the common council in each month, report to the common council under oath, in detail, all appropriations, expenditures, temporary relief and allowances made by him as such commissioner during the month preceding, which report shall specify the name and place of abode of each person relieved, the quality, quantity and price per pound, or otherwise, as the case may be, of each article furnished or ordered, and from whom obtained; said report shall also contain the names and places of abode of all persons to whom meals or lodgings have been furnished, the number of such meals and lodgings, from whom obtained, or by whom furnished, and the cost of the same. Said report shall be filed with the city clerk.

§ 3. Common council shall audit and pay accounts.—All charges and accounts against said city for services rendered, acts done, or means, provisions or supplies furnished under the direction of the commissioners of charities of said city under the provisions of this act, or otherwise, shall be made out in items, duly verified, by the persons entitled to the payment therefor, and presented to the common council at the first regular meeting of said council in each month, for all claims and demands incurred, or which may have accrued during the preceding month. All such claims, accounts and charges shall be audited by the common council and paid from the poor fund of said city by the chamberlain upon the warrant of the mayor, countersigned by the clerk.

§ 4. Commissioner not to be interested in purchases.—The commissioner of charities shall not, directly or indirectly, furnish to any person, any groceries, provisions, fuel, medicines or property belonging to himself, or in which he shall have an in-

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terest or be interested, nor shall he be interested in any contract for the purchase of such groceries, provisions, medicines, fuel or property; nor shall he receive any commission upon, or for any goods or articles or relief furnished, or on any orders given by him for any such goods, articles or relief. For any violation of any provisions of this section, said commissioner shall be removed from office by the mayor, and he shall forfeit to said city a penalty of one hundred dollars for every such violation.

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#### YONKERS, WESTCHESTER COUNTY.

(Note.—Commissioner of charities appointed by mayor and common council for a term of four years. Salary fixed by common council at not less than \$1,000 nor more than \$1,500.)

Chapter 635, Laws of 1895.

#### TITLE X.

##### OF THE POOR.

Section 1. All laws now in force not inconsistent with the provisions of this act, applicable to overseers of the poor in towns, shall apply to the commissioner of charities, and such commissioner of charities shall have and possess all powers which overseers of the poor of towns now have, or which may hereafter be conferred upon them.

§ 2. The common council may by ordinance prescribe the duties of such commissioner of charities in relation to the temporary aid and assistance to the poor and may appropriate such moneys for such purpose as it shall deem proper and may also appropriate a sum, not exceeding five thousand dollars per annum, for the care of sick and disabled poor in hospitals. (*As amended by chapter 207 of the Laws of 1903.*)

**SPECIAL STATUTES RELATING TO THE CARE OF  
THE POOR IN CERTAIN TOWNS OF NEW YORK  
STATE.**

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**TOWN OF HERKIMER, HERKIMER COUNTY.**

AN ACT to secure the better application of funds for the relief of the poor in the town of Herkimer in the county of Herkimer.

Chapter 181, Laws of 1883.

Section 1. The supervisor of the town of Herkimer shall, on the first Monday in May next, appoint four freeholders of said town, two of whom shall belong to each of the two political parties casting the largest vote at the last general election in said town, who shall constitute a board of alms of said town, and be known as the "board of alms of the town of Herkimer." The board of alms so appointed shall meet on the second Monday in May in each year at the town room, and by a majority vote appoint a freeholder of said town, to be known as the overseer of the poor of said town, and who shall hold his office for one year. The town clerk shall attend all meetings and keep the minutes of their proceedings, which shall be recorded in the books of record of said town. (*As amended by chapter 414 of the Laws of 1895.*)

§ 2. At the time of their appointment the said supervisor shall designate one of the persons so appointed by him to hold, and who shall hold his office for one year; another to hold and who shall hold his office for two years; another to hold and who shall hold his office for three years; another to hold and who shall hold his office for four years. The supervisor shall thereafter annually on the first Monday in May at the town room appoint one member of the said board of alms who shall be a freeholder of said town and shall hold his office for four years and until his successor shall be appointed. Vacancies in the office shall be filled for the unexpired term, and shall be from the same political party as the outgoing members. (*As amended by chapter 414 of the Laws of 1895.*)



§ 3. The said board of alms shall have control of the funds applicable to the relief of the poor in said town, and the disposition of the same. A majority of said board shall constitute a quorum to do business. Said board of alms shall have power to procure, by rent or purchase, suitable grounds and buildings for a town almshouse, but no purchase shall be made unless specially authorized by a vote of the electors of the town at an annual town meeting, nor at a cost exceeding five thousand dollars.

§ 4. The overseer of the poor appointed by the said board of alms shall hold his office for one year from the second Monday in May of each year, and no longer unless reappointed. The board of alms of said town shall determine his compensation for all such services rendered by him as such overseer which shall not exceed four hundred dollars per annum. (*As amended by chapter 414 of the Laws of 1895.*)

§ 5. The board of alms of said town shall appoint a treasurer of the poor funds of said town, and take such security for the faithful performance of his duties, and to account and pay over the funds intrusted to him, as they shall deem adequate and shall approve, and they shall determine his compensation, which shall not exceed fifty dollars per annum. The said treasurer shall hold his office for one year and until his successor is appointed. The said board shall keep a record of all proceedings and shall adopt all needful rules as to their meetings and as to the management and dispensation of the funds for the relief of the poor under their control, and for the government of the treasurer and overseer of the poor.

§ 6. All moneys appropriated for the relief of the poor of said town shall be paid over to the treasurer of the poor fund of said town, and all payments and disbursements shall be made by him upon the order of the overseer of the poor or such other person as the board of alms may direct; and said treasurer shall not loan any moneys that may come into his hands, nor shall he use them for any other purpose than is provided for by this act. Any interest which may accrue on said fund shall be credited to said town.

§ 7. The board of alms may cause to be purchased all or any needful supplies for the relief of the poor, in such quantities as

they may deem best, but not to exceed a supply for one year; and they may contract for such supplies, including medical and surgical services, to be delivered or rendered from time to time, as the same may be required or called for, but such contract shall not extend beyond thirty days after the annual town meeting next ensuing the time when such contract shall be made. Said board may also furnish relief to the poor in said town chargeable to the county or to any other town, and receive compensation therefor from the county or town to which such poor is chargeable.

§ 8. The board of alms shall audit and allow all charges and expenses incurred under their direction for the relief of the poor chargeable to the town of Herkimer, including the expense and compensation of officers, and shall report the same through the supervisor to the board of supervisors of the county at their annual meeting in each year, which shall cause the same to be inserted in the tax-list and raised as other town charges are directed to be raised. All charges and expenses for the support of the poor, chargeable to the county or to any other town of the county, shall be audited in the same manner that the charges for the support of the poor, chargeable to the county, are required by law to be audited and allowed.

§ 9. The duties of the office of overseer of the poor of the town of Herkimer are hereby transferred to the overseer of the poor to be appointed by the said board of alms, and to be administered under the direction of said board of alms to take effect as soon as said overseer has been appointed. The said overseer so appointed shall from time to time perform all the duties devolved upon the overseer of the poor of said town heretofore elected in and for said town; subject, however, to the direction of the board of alms and shall keep the vouchers, registers and accounts and charges required by law of overseers of the poor. He shall report to the board of alms quarterly and shall cause such report to be printed at least once in two newspapers of the village most nearly representing the two leading political parties, the names of all persons furnished and the amount to each person and family. And shall prepare annually a statement showing the names of all persons and families who have received relief and the amount to each person and family. No overseer of the poor shall be elected in said town of Herkimer after the passage of this act and the office

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of existing overseer of the poor shall become vacated by the present incumbent upon an appointment of an overseer of the poor, as provided in the first section of this act. (*As amended by chapter 414 of the Laws of 1895.*)

§ 10. The board of alms may audit and allow for their own services a sum not exceeding one hundred dollars to be apportioned among them as a majority may direct to be deemed expenses of administering the poor fund and to be raised as provided in section eight of this act. (*As amended by chapter 414 of the Laws of 1895.*)

§ 11. Nothing contained in this act shall be so construed as in any way to interfere with the power of the board of supervisors in relation to auditing the poor accounts of the county.

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#### TOWNS OF NORTH HEMPSTEAD AND OYSTER BAY, NASSAU COUNTY.

AN ACT to appoint trustees of the Jones fund, for the support of the poor of the towns of Oysterbay and North Hempstead, in the county of Queens.\*

##### Chapter 312, Laws of 1838.

Section 1. That Andrew C. Hegeman, Ebenezer Seely and James C. Townsend, freeholders and inhabitants of the town of Oysterbay, and Benjamin Albertson and Singleton Mitchell, freeholders and inhabitants of the town of North Hempstead, be and they are hereby appointed trustees of the Jones fund, for the support of the poor in said towns, and shall hold their offices for two years from the first Tuesday of April, in the year one thousand eight hundred and thirty-eight, and until others are appointed in their place; and they and their successors shall be denominated "The Trustees of the Jones Fund for the support of the poor;" three of whom shall always be freeholders and inhabitants of the town of Oysterbay and two of whom shall always be freeholders and inhabitants of the town of North Hempstead.

§ 2. The freeholders and inhabitants of the said town of Oysterbay, shall, at their annual town meeting, in the year one thousand

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\* Now Nassau County.

eight hundred and forty, and in every second year thereafter, choose by ballot three freeholders and inhabitants of the said town, who with two freeholders and inhabitants of the town of North Hempstead, to be chosen in like manner by ballot by the freeholders and inhabitants of said town, at their annual town meeting, in the year one thousand eight hundred and forty, and in every second year thereafter, shall be trustees of said fund; and the persons so chosen shall hold their offices for two years, and until others are chosen in their places.

§ 3. The trustees of the said fund and their successors in office shall be capable in law of suing and being sued, pleaded and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, by the name of "the trustees of the Jones fund for the support of the poor," and they and their successors in office by the name aforesaid shall be capable in law of taking, holding and managing said fund or any part of the same, as was by the last wills and testaments of Samuel Jones and Walter R. Jones, deceased, devised and bequeathed to the towns of Oysterbay and North Hempstead, for the purposes aforesaid, by the said testators, and shall also be capable of purchasing, holding, and conveying, either by deed or mortgage, any real or personal estate for the use and benefit of said fund, and carrying the intent of the said testators in creating the same into full effect. (*As amended by chapter 180 of the Laws of 1879, and chapter 229 of the Laws of 1880.*)

§ 4. Each of the said trustees, and their successors, before entering upon the duties of the said trust, shall execute a bond, with sufficient sureties, to the supervisor of their respective towns, the amount of the said bond and said sureties to be approved by the said supervisors respectively, for the faithful performance of the trust reposed in them as such trustees.

§ 5. Any three or more of said trustees shall constitute a quorum to transact any of the business and concerns of the said trust. If any of the trustees of said fund, appointed by or chosen under this act, shall die, resign, or remove from said towns, the said trustees may appoint a person of like qualifications to fill his place for the residue of his term of office, who shall in like manner as above provided, execute a bond, with sufficient sureties,

to the supervisor of the town from whence he shall be chosen, for the faithful discharge of his duty as trustee.

§ 6. The said trustees shall make an annual and full report to each of the said towns of Oysterbay and North Hempstead, at the annual town meetings thereof, of the state of the funds and property of said trust, and of the manner in which the same has been managed, and the income thereof applied during the preceding year.

§ 7. The chancellor of this state shall have a supervisory power over said trustees and fund, and may remove any of said trustees for good cause shewn, on petition or bill by any inhabitant of either of said towns.

§ 8. Each of said towns of Oysterbay and North Hempstead, may, by vote at their annual town meetings, fix and allow to said trustees and their successors or any of them, from their respective towns, such salary or compensation for their services as such towns may respectively think proper, and which said salary or compensation shall be raised and paid as other ordinary expenses of said town.

§ 9. This act shall be deemed a public act.

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#### TOWN OF OSWEGATCHIE, ST. LAWRENCE COUNTY.

(See chapter 28, Laws of 1882, page 384.)

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### THE GENERAL CITY LAW.

Chapter 327, Laws of 1900.

#### ARTICLE IX.

\*HOSPITALS FOR TREATMENT OF PULMONARY TUBERCULOSIS.

Section 140. Establishment of hospitals.

141. Selection of site.

142. Jurisdiction of local board of health.

Section 140. Establishment of hospitals.—A city of the first class shall have power whenever its board of health shall deem it necessary for the promotion of the health of its inhabitants, to establish, equip and maintain, outside of its corporate limits,

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\*See also provisions of section 218a of the Public Health Law, page 560.

and not within the limits of any other city or any village, a hospital or hospitals for the regular treatment of the disease known as pulmonary tuberculosis.

§ 141. Selection of site.—Whenever a city of the first class shall desire to exercise the power conferred by this article it shall through its board of health, select such locality outside of its corporate limits, but within the state, and not within the corporate limits of any other city or any village, as it may consider best adapted by reason of climatic and other conditions for the treatment of such disease, and shall make application to the state board of health for the approval of the site so selected. Upon such approval being given the city may acquire title to such lands as its board of health may designate, within the limits of the locality submitted to and approved by the state board of health. The provisions of law relating to the acquiring of private property for public purposes are hereby made applicable as far as may be necessary to the acquiring of title to such lands.

§ 142. Jurisdiction of local board of health.—All hospitals or institutions now or hereafter established or maintained by any city of the first class for the regular or special treatment of persons suffering from the disease known as pulmonary tuberculosis shall be subject to the approval of the local board of health; special wards or pavilions for the treatment of cases of pulmonary tuberculosis in existing hospitals shall be provided with separate nurses, cooking utensils, washing and plumbing facilities.

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## THE COUNTY LAW.

Chapter 686, Laws of 1892.

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### ARTICLE II.

BOARDS OF SUPERVISORS.

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§ 12. General powers.—The board of supervisors shall:

1. Have the care and custody of the corporate property of the county.
2. Annually audit all accounts and charges against the county, due or to become due, during the ensuing year, and direct the raising of sums necessary to defray them in full.

3. Annually direct the raising of such sums in each town as shall be necessary to pay its town charges.

4. Cause to be assessed, levied and collected, such other assessments and taxes as shall be required of them by any law of the state.

5. Fix the salaries and compensation of county treasurers, district attorneys and superintendents of the poor of their county, which shall be a county charge, and not be changed during the term of any such officer; and prescribe the mode of appointment, and fix the number, grade and pay of the clerks, assistants and employes in such offices, when not otherwise fixed by law, which shall be a county charge.

6. Borrow money when they deem it necessary, for the erection of county buildings, and for the purchase of sites therefor, on the credit of the county, and for the funding of any debt of the county not represented by bonds, and issue county obligations therefor, and for other lawful county uses and purposes; and authorize a town in their county to borrow money for town uses and purposes on its credit, and issue its obligations therefor, when, and in the manner, authorized by law. \* \* \*

12. Cause an action to be brought upon the undertaking of any county officer, whenever a breach thereof shall occur.

13. Purchase, lease, or otherwise acquire, for the use of the county, necessary real property for courthouses, jails, almshouses, asylums and other county buildings, and for other county uses and purposes; and erect, alter, repair, or construct, any necessary buildings or other improvements thereon for necessary county use, and cause to be levied, collected and paid, all such sums of money as they shall deem necessary therefor; to select such name as they may deem proper and appropriate for the almshouse of such county and thereafter to designate such almshouse by the name so selected; and sell, lease or apply to other county use, the sites and buildings, when a site is changed; and if sold, apply the proceeds to the payment for new sites, buildings and improvements. \* \* \* (*As amended by chapter 318 of the Laws of 1906.*)

§ 24. Form and presentation of accounts against the county.—  
No account shall be audited by a board of supervisors, or by a committee thereof, or by superintendents of the poor, unless it

shall be made out in items and accompanied with an affidavit that the items of such accounts are correct, and that the disbursements and services charged therein have been in fact made or rendered, or are necessary to be made or rendered at that session of the board, and stating that no part of the amount claimed has been paid or satisfied. But any such account so presented and verified may be disallowed in whole or in part, and the board or such superintendents may require any other or further evidence of the truth or propriety thereof. Each such account shall be numbered from one upwards in the order of presentation, and a memorandum of the time of presentation and the name of the claimant, and if assigned, the name of such assignor or assignee shall be entered in the proceedings of the board. No such account, after being so presented, shall be withdrawn without the unanimous consent of the board except to be used as evidence in an action or proceeding, and after being so used it shall be forthwith returned.

§ 25. Additional requirements.—Boards of supervisors may make such additional regulations and requirements, not in conflict with law, concerning the keeping and rendering of official accounts and reports of its county and town officers, and the presentation and auditing of bills presented to their board or to the town boards of their county, as they may deem necessary for the efficiency of the service and the protection of the interests of the public.

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§ 31. Location of county buildings.—The board of supervisors may, except in the county of Kings, by a majority vote of all the members elected thereto, fix or change the site of any county building, and the location of any county office; but the site or location of no county building or office shall be changed when the change shall exceed one mile, and shall be beyond the boundaries of the incorporated village or city, where already situated, except upon a petition of at least twenty-five freeholders of the county, describing the buildings or office, the site or location of which is proposed to be changed, and the place at or near which it is proposed to locate such new buildings or office; which petition shall be published once in each week for six weeks immediately preceding an annual or special meeting of such board, in three news-



papers of the county, if there be so many, otherwise, in all the newspapers published in the county as often as once a week. With such petition shall also be published a notice, signed by the petitioners, to the effect that such petition will be presented to the board of supervisors at the next meeting thereof. The board of supervisors of any county may acquire a new site or location for the county almshouse, erect suitable buildings thereon, and remove the inmates of the existing almshouse thereto, upon a majority vote of all the members elected to said board at a regular session thereof or at a special session called for that purpose, in any case where the state board of charities shall have certified to said board of supervisors that in the opinion of a majority of said state board of charities such change is necessary to the proper care of the inmates of such institution; in which case it shall not be necessary to receive or publish the petition hereinbefore provided or to submit the question of change or removal to the electors of such county as provided in sections thirty-two and thirty-three of the act hereby amended; provided, however, that no site or location shall be selected or acquired by such board of supervisors which shall not have been approved by said state board of charities. (*As amended by chapter 133 of the Laws of 1899.*)

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## ARTICLE XI.

### SUPERINTENDENTS OF THE POOR.

Section 210. Election, appointment and term of office of superintendents of the poor.

211. Undertaking.

§ 210. Election, appointment, and term of office of superintendents of the poor.—There shall continue to be elected or appointed in each of the counties one or more superintendents of the poor as heretofore; but no supervisor of a town, or county treasurer, shall be elected or appointed to such office. The board of supervisors of any county having, or entitled to have three or more superintendents of the poor, may, at an annual meeting thereof, determine by resolution that thereafter only one county superintendent of the poor shall be elected; but no superintendent of the poor shall be elected or appointed in such county until the

general election next preceding the expiration of the terms of the superintendents in office, or the office shall be vacant. The term of any superintendent in office, or of any person duly elected thereto on the passage of such resolution, shall not be affected thereby. Such board may also, in counties having and entitled to have but one superintendent of the poor, in like manner determine that thereafter three superintendents of the poor be elected for such county. After the passage of a resolution, as herein provided, the powers herein conferred shall not be again exercised within a period of five years. Such resolution shall not take effect until the next calendar year succeeding its adoption.

There shall continue,

1. To be elected annually in each of the counties so having and being entitled to three county superintendents, one county superintendent of the poor, who shall hold his office for three years from and including the first day of January succeeding his election, and until his successor is duly elected and qualifies;

2. To be appointed by the board of supervisors, if in session, otherwise by the county judge, a county superintendent of the poor, when a vacancy shall occur in such office, and the person so appointed shall hold the office until and including the last day of December succeeding his appointment, and until his successor shall be elected and qualifies;

3. To be elected a county superintendent of the poor in a county when a vacancy shall occur in such office, and the term of which shall not expire on the last day of the next succeeding December, and the person so elected shall hold the office for such unexpired term, which shall be designated upon the ballots of the electors, or until his successor shall be elected and qualifies;

4. To be elected in each of the counties so having, and entitled to have but one superintendent, a superintendent of the poor, who shall hold his office for three years from and including the first day of January succeeding his election, and until his successor is duly elected and qualifies;

5. To be appointed by the board of supervisors, if in session, otherwise by the county judge, a superintendent of the poor, in a county having and being entitled to but one superintendent, when a vacancy shall occur in such office; and the person so appointed shall hold the office until and including the last day of December

succeeding his appointment, and until his successor shall be elected and qualifies;

6. To be elected in the succeeding year after the board of supervisors of a county having but one superintendent of the poor, shall have adopted a resolution to have three superintendents, if the term of the superintendent in office expires within such year, three superintendents of the poor for such county, for the terms of one, two and three years respectively, which terms shall be respectively designated upon the ballots of the electors voting for such officers. If the term of the superintendent in office will not expire with such succeeding year, there shall be elected two superintendents of the poor for such county, for such terms, to be so designated upon the ballots of the electors voting for such officers, as will make the terms of one of the three superintendents expire with each succeeding year, and one superintendent of the poor shall hereafter be annually elected. Such persons so elected shall hold the office from and including the first day of January succeeding his election, and until and including the last day of December of the year in which his term shall so expire, and until his successor is duly elected and qualifies. When ballots are voted without designating the term, the first name on the ballot shall be deemed as intended for the full or longer term of the officer voted for; the second name for the next longer term, and the third name for the shorter term.

§ 211. Undertaking.—Every person elected or appointed to the office of superintendent of the poor shall, before he enters upon the duties of his office, and if appointed, within fifteen days after notice thereof, execute and deliver to the clerk of the county, to be filed in his office, his undertaking to the county, with two or more sufficient sureties, with the approval of the board of supervisors, if in session, indorsed thereon by the clerk; otherwise by the county judge of his county, or a justice of the supreme court of his judicial district, to the effect that he will faithfully discharge the duties of his office as such superintendent of the poor, and pay, according to law all moneys that shall come into his hands as such superintendent, and render a just and true account thereof to the board of supervisors of his county.

\* \* \* \* \*

ARTICLE XIII.

MISCELLANEOUS.

\* \* \* \* \*

§ 231. Compensation of public officers in Ulster county.—There shall be allowed to the several public officers in the county of Ulster the following annual salaries to be paid quarterly:

1. To the superintendent of the poor fifteen hundred dollars. \* \* \*

§ 232. County charges, how raised.—The moneys necessary to defray the county charges of each county shall be levied on the taxable property in the several towns therein, in the manner prescribed in the general laws relating to taxes; and in order to enable the county treasurer to pay such expenses as may become payable from time to time, the board of supervisors shall annually cause such sum to be raised in advance in their county, as they may deem necessary for such purpose.

§ 233. Annual report of county officers.—Each county officer who shall receive, or is authorized by law to receive, any money on account of fines or penalties or other matter in which his county, or any town or city therein, shall have an interest, shall annually make a written report to the board of supervisors of his county, verified to be true, bearing date the first day of November, stating the time when, and the name of every person from whom such money has been received, the amount thereof, on what account received, and the sums remaining due and unpaid; and if no such money has been received, his report shall so state. Such report shall be filed with the clerk of the board, on or before the fifth day of November; and no officer shall be entitled to receive payment for his services, unless he shall file with the supervisors, or other officers performing their duties, his affidavit that he has made such report, and paid over all moneys which he is required to pay over, within ninety days after receiving any such money, such officers shall pay the same without any deduction to the treasurer of his county, who shall execute duplicate receipts therefor, one of which he shall deliver to the person paying the money, and attach the other to his annual report herein required; but nothing herein shall be construed to apply to moneys received by any town or city officer in his official

capacity, as such, specially appropriated for any town or city purpose.

### THE TOWN LAW.

Chapter 569, Laws of 1890.

\* \* \* \* \*

§ 12. Election of officers.—There shall be elected at the biennial town meeting in each town, by ballot, \* \* one or two overseers of the poor. \* \* (*As amended by chapter 37 of the Laws of 1893, § 1; 344 of 1893, § 1; 481 of 1897, § 3; 363 of 1898, § 2; 349 and 536 of 1901; and 57 of 1903.*)

§ 13. Term of office.— \* \* Overseers of the poor \* \* \* when elected, shall hold their respective offices for two years. \* \* (*As amended by chapter 344 of the Laws of 1893, § 1; chapter 481 of the Laws of 1897, § 3; chapter 363 of the Laws of 1898, § 2; chapter 145 of the Laws of 1899, § 2; chapter 191 of the Laws of 1901; and chapter 391 of the Laws of 1901.*)

\* \* \* \* \*

§ 16. Overseers of the poor.—The electors of each town may, at their biennial town meeting, determine by resolution whether they will elect one or two overseers of the poor, and the number so determined upon shall be thereafter biennially elected for a term of two years. Whenever any town shall have determined upon having two overseers of the poor, the electors thereof may determine by a resolution at a biennial town meeting, to thereafter have but one, and if they so determine thereafter no other overseer shall be elected or appointed, until the term of the overseer continuing in office at the time of adopting the resolution shall expire or become vacant, and the overseer in office may continue to act until his term shall expire or become vacant. The electors of any town may, at any biennial or regularly called special town meeting on the application of at least twenty-five resident taxpayers whose names appear upon the then last preceding town assessment-roll, adopt by ballot a resolution that there shall be appointed in and for such town one overseer of the poor. If a majority of the ballots so cast shall be in favor of appointing an overseer of the poor, no overseer of the poor shall thereafter be elected in such town except as hereinafter provided, and the overseers of the poor of such town elected at the town meeting at

which such resolution is adopted or who shall then be in office shall continue to hold office for the terms for which they were respectively chosen; and within thirty days before the expiration of the term of office of such elected overseer whose term expires latest, the town board of such town shall meet and appoint one overseer of the poor for such town, who shall hold office for one year from the first day of May next after his appointment; and annually in the month of April in each year thereafter an overseer of the poor shall be appointed by the town board of such town for the term of one year from the first day of May next following such month of April. Each overseer of the poor so appointed shall execute and file with the town clerk an official undertaking in such form and for such sum as the town board may by resolution require and approve. An overseer of the poor, so appointed, shall not hold any other town office during the term for which he is so appointed, and if he shall accept an election or appointment to any other town office he shall immediately cease to be an overseer of the poor. If a vacancy shall occur in the office of an overseer of the poor, so appointed, such vacancy shall be filled by the town board, by appointment, for the balance of the unexpired term. The compensation of an overseer of the poor so appointed, shall be fixed by the town board of such town, but shall not exceed, in any one year, the sum of one thousand dollars, and shall be a town charge. At any subsequent town meeting after the expiration of three years from the adoption of a resolution by any town to appoint an overseer of the poor, the electors of the town may determine by ballot to thereafter elect one or more overseers of the poor, and if they determine so to elect, then at the next biennial town meeting thereafter one or more overseers of the poor shall be elected in pursuance of the laws regulating the election of overseers of the poor, and the term or terms of the overseer or overseers first so elected shall commence upon the expiration of the term of office of the overseer of the poor last theretofore appointed in pursuance of law, and shall expire as though each such term commenced at the time of election; and their successors shall thereafter be elected in pursuance of law. (*As amended by chapter 107 of the Laws of 1894, § 1, and chapter 481 of the Laws of 1897, § 7.*)

\* \* \* \* \*

§ 22. Powers of biennial town meetings.—The electors of each town may, at their biennial town meeting:

\* \* \* \* \*

10. In towns bound to support their own poor, direct such sum to be raised, as they may deem necessary for such purpose, and to defray any charges that may exist against the overseers of the poor in their town.

11. Determine any other question lawfully submitted to them.

12. Direct the sale and conveyance by the supervisor in the name of the town of property owned by it. \* \* \* (*As amended by chapter 481 of the Laws of 1897, § 11, and chapter 377 of the Laws of 1900.*)

§ 23. Special town meetings.—Special town meetings shall also be held whenever twenty-five taxpayers upon the last town assessment roll shall, by written application addressed to the town clerk, require a special town meeting to be called, for the purpose of raising money for the support of the poor. \* \* Special town meetings may also be held upon the like application of the supervisor, commissioners of highways, or overseers of the poor, to determine questions pertaining to their respective duties as such officers, and which the electors of a town have a right to determine. An application and notice heretofore made and given for a special town meeting to be hereafter held for a purpose not heretofore authorized by law, shall be as valid and of the same force and effect as if such purpose had been authorized by law at the time of such application and notice. (*As amended by chapter 280 of the Laws of 1894, § 1, and chapter 481 of the Laws of 1897, § 12.*)

§ 56. Town officers to administer oaths.—Any town officer may administer any necessary oath in any manner or proceeding lawfully before him, or to any paper to be filed with him as such officer.

§ 62. Undertaking of overseer of the poor.—Every person elected or appointed overseer of the poor in any town shall, within ten days after being notified of his election or appointment, execute an undertaking with one or more sureties, to be approved by the supervisor of his town, to the effect that he will faithfully discharge the duties of his office, and will pay accord-

ing to law all moneys which shall come into his hands as such overseer, which undertaking shall be delivered to the supervisor and filed by him in the office of the town clerk within ten days thereafter.

## ARTICLE VII.

### THE TOWN BOARD.

\* \* \* \* \*

§ 161. Meeting of town board for receiving accounts of town officers.—At the meeting of the town board held on the Tuesday preceding the biennial town meeting and on the corresponding date in each alternate year, or on the twenty-eighth day of December in each year, or on the day preceding when such day falls on Sunday, all town officers who receive or disburse any moneys of the town, shall account with the board for all such moneys received and disbursed by them by virtue of their office, and produce all receipts, orders and vouchers which they may have respecting the same, but no member of the board shall sit as a member of the board when any account in which he is interested is being audited by the board. The board shall make a statement of such accounts, and append thereto a certificate signed by at least a majority of them, showing the state of the accounts of each officer at the date of the certificate which statement, certificate, receipts, orders and vouchers shall each be filed with the town clerk of the town, within three days thereafter, and be open to public inspection during the office hours of such town clerk. (*As amended by chapter 481 of the Laws of 1897, § 19; chapter 363 of the Laws of 1898, § 8; and chapter 57 of the Laws of 1904.*)

§ 162. Meeting of town board for auditing accounts.—The meeting of the town board held on the Thursday preceding the annual meeting of the board of supervisors, shall be for the purpose of auditing accounts and allowing or rejecting all charges, claims and demands against the town. No member of the town board or board of town auditors shall present a claim or demand against the town for audit, which has been assigned to him by another, or for labor, services or material rendered or furnished by himself, or by another as his servant or agent or under contract with him, or any claim or demand of any name or nature wherein he has an interest, direct or indirect, excepting his per diem compensation for attendance upon meetings of the town board of said



town and the fees allowed to him by law for services rendered in his official capacity; and no claim or demand in which a member has an interest or which is based wholly or partly on services or material rendered or furnished by such member shall be audited or allowed by said board in favor of any person or corporation. If any account is wholly rejected, the board shall make a certificate to that effect, signed by at least a majority of them, and file the same in the office of the town clerk. If the account is allowed, wholly or in part, the board shall make a certificate to that effect, signed by at least a majority of them, and if allowed only in part, they shall state in the certificate the items or parts of items allowed, and the items or parts of items rejected, and shall cause a duplicate of every certificate allowing an account, wholly or in part to be made. One of which duplicates shall be delivered to the town clerk of the town, to be kept on file for the inspection of any of the inhabitants of the town; and the other shall be delivered to the supervisor of the town, to be by him laid before the board of supervisors of his county at their annual meeting. The board of supervisors shall cause to be levied and raised upon the town the amount specified in the certificate, in the same manner as they are directed to levy and raise other town charges. (*As amended by chapter 481 of the Laws of 1897, § 19, chapter 89 of the Laws of 1905, and chapter 505 of the Laws of 1906.*)

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#### VARIOUS ACTS OF CONGRESS RELATING TO IMMIGRATION.

Sections 3 and 5 of an act supplementary to the acts in relation to immigration, approved March 3, 1875, vol. 18, part 3, United States Statutes at Large provide:

“Sec. 3. That the importation into the United States of women for the purpose of prostitution is hereby forbidden; and all contracts and agreements in relation thereto, made in advance or in pursuance of such illegal importation and purposes, are hereby declared void; and whoever shall knowingly and willfully import, or cause any importation of, women into the United States for the purposes of prostitution, or shall knowingly or willfully hold, or attempt to hold, any women to any such purposes, in pursuance

of such illegal importation and contract or agreement, shall be deemed guilty of a felony, and, on conviction thereof, shall be imprisoned not exceeding five years and pay a fine not exceeding five thousand dollars."

"Sec. 5. That it shall be unlawful for aliens of the following classes to immigrate into the United States, namely, persons who are undergoing a sentence for conviction in their own country of felonious crimes other than political or growing out of or the result of such political offenses, or whose sentence has been remitted on condition of their immigration, and women 'imported for the purposes of prostitution.' Every vessel arriving in the United States may be inspected under the direction of the collector of the port at which it arrives, if he shall have reason to believe that any such obnoxious persons are on board; and the officer making such inspection shall certify the result thereof to the master or other person in charge of such vessel, designating in such certificate the person or persons, if any there be, ascertained by him to be of either of the classes whose importation is hereby forbidden. When such inspection is required by the collector as aforesaid, it shall be unlawful, without his permission, for any alien to leave any such vessel arriving in the United States from a foreign country until the inspection shall have been had and the result certified as herein provided; and at no time thereafter shall any alien certified to by the inspecting officer as being of either of the classes whose immigration is forbidden by this section be allowed to land in the United States, except in obedience to a judicial process issued pursuant to law. If any person shall feel aggrieved by the certificate of such inspecting officer stating him or her to be within either of the classes whose immigration is forbidden by this section, and shall apply for release or other remedy to any proper court or judge, then it shall be the duty of the collector at said port of entry to detain said vessel until a hearing and determination of the matter are had, to the end that if the said inspector shall be found to be in accordance with this section, and sustained, the obnoxious person or persons shall be returned on board of said vessel, and shall not thereafter be permitted to land, unless the master, owner, or consignee of the vessel shall give bond and security, to be approved by the court or judge hearing the cause, in the sum of five hundred

dollars for each such person permitted to land, conditioned for the return of such person, within six months from the date thereof, to the country whence his or her emigration shall have taken place, or unless the vessel bringing such obnoxious person or persons shall be forfeited, in which event the proceeds of such forfeiture shall be paid over to the collector of the port of arrival, and applied by him, as far as necessary, to the return of such person or persons to his or her own country within the said period of six months. And for all violations of this act, the vessel, by the acts, omissions, or connivance of the owners, master, or other custodian, or the consignees of which the same are committed, shall be liable to forfeiture, and may be proceeded against as in cases of frauds against the revenue laws, for which forfeiture is prescribed by existing law."

Approved March 3, 1875.

#### AN ACT to regulate immigration.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That there shall be levied, collected, and paid a duty of fifty cents for each and every passenger not a citizen of the United States who shall come by steam or sail vessel from a foreign port to any port within the United States. The said duty shall be paid to the collector of customs of the port to which such passenger shall come, or if there be no collector at such port, then to the collector of customs nearest thereto, by the master, owner, agent, or consignee of every such vessel, within twenty-four hours after the entry thereof into such port. The money thus collected shall be paid into the United States Treasury and shall constitute a fund to be called the immigrant fund and shall be used, under the direction of the Secretary of the Treasury, to defray the expenses of regulating immigration under this act and for the care of immigrants arriving in the United States, for the relief of such as are in distress, and for the general purposes and expenses of carrying this act into effect. The duty imposed by this section shall be a lien upon the vessels which shall bring such passengers into the United States, and shall be a debt in favor of the United States against the owner or owners of such vessels, and the payment of such duty may be enforced by any legal or equitable remedy: *Provided,*

That no greater sum shall be expended for the purposes hereinbefore mentioned, at any port, than shall have been collected at such port.

Sec. 2. That the Secretary of the Treasury is hereby charged with the duty of executing the provisions of this act and with supervision over the business of immigration to the United States, and for that purpose he shall have power to enter into contracts with such State commission, board, or officers as may be designated for that purpose by the governor of any State to take charge of the local affairs of immigration in the ports within said State, and to provide for the support and relief of such immigrants therein landing as may fall into distress or need public aid, under the rules and regulations to be prescribed by said Secretary; and it shall be the duty of such State commission, board, or officers so designated to examine into the condition of passengers arriving at the ports within such State in any ship or vessel, and for that purpose all or any of such commissioners, or officers or such other person or persons as they shall appoint, shall be authorized to go on board of and through any such ship or vessel; and if on such examination there shall be found among such passengers any convict, lunatic, idiot, or any person unable to take care of himself or herself without becoming a public charge, they shall report the same in writing to the collector of such port, and such person shall not be permitted to land.

Sec. 3. That the Secretary of the Treasury shall establish such regulations and rules and issue from time to time such instructions, not inconsistent with law, as he shall deem best calculated to protect the United States and immigrants into the United States from fraud and loss and for carrying out the provisions of this act and the immigration laws of the United States; and he shall prescribe all forms of bonds, entries, and other papers to be used under and in the enforcement of the various provisions of this act.

Sec. 4. That all foreign convicts, except those convicted of political offenses, upon arrival, shall be sent back to the nations to which they belong and from whence they came. The Secretary of the Treasury may designate the State board of charities of any State in which such board shall exist by law, or any commission in any State, or any person or persons in any State whose duty it

shall be to execute the provisions of this section without compensation. The Secretary of the Treasury shall prescribe regulations for the return of the aforesaid persons to the countries from whence they came and shall furnish instructions to the board, commission, or persons charged with the execution of the provisions of this section as to the mode of procedure in respect thereto, and may change such instructions from time to time. The expense of such return of the aforesaid persons not permitted to land shall be borne by the owners of the vessel in which they came.

Sec. 5. That this act shall take effect immediately.

Approved August 3, 1882.

AN ACT to remove certain burdens on the American merchant marine and encourage the American foreign carrying trade, and for other purposes, approved June 26, 1884.

Sec. 22. That until the provisions of section one, chapter three hundred and seventy-six, of the laws of eighteen hundred and eighty-two, shall be made applicable to passengers coming into the United States by land carriage, said provisions shall not apply to passengers coming by vessels employed exclusively in the trade between the ports of the United States and the ports of the Dominion of Canada or the ports of Mexico.

#### ACT OF MARCH 3, 1903.

AN ACT to regulate the immigration of aliens into the United States.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be levied, collected, and paid a duty of two dollars for each and every passenger not a citizen of the United States, or of the Dominion of Canada, the Republic of Cuba, or of the Republic of Mexico, who shall come by steam, sail, or other vessel from any foreign port to any port within the United States, or by any railway or any other mode of transportation, from foreign contiguous territory to the United States. The said duty shall be paid to the collector of customs of the port or customs district to which said alien passenger shall come, or, if there be no collector at such port or district, then to the collector nearest thereto, by the master, agent, owner, or consignee of every such vessel or*

transportation line. The money thus collected shall be paid into the United States Treasury and shall constitute a permanent appropriation to be called the "immigrant fund," to be used under the direction of the Secretary of the Treasury to defray the expense of regulating the immigration of aliens into the United States under this act, including the cost of reports of decisions of the Federal courts, and digests thereof, for the use of the Commissioner-General of Immigration, and the salaries and expenses of all officers, clerks, and employes appointed for the purpose of enforcing the provisions of this act. The duty imposed by this section shall be a lien upon the vessel which shall bring such aliens to ports of the United States, and shall be a debt in favor of the United States against the owner or owners of such vessels, and the payment of such duty may be enforced by any legal or equitable remedy; the head tax herein provided for shall not be levied upon aliens in transit through the United States nor upon aliens who have once been admitted into the United States and have paid the head tax who later shall go in transit from one part of the United States to another through foreign contiguous territory; *Provided*, That the Commissioner-General of Immigration, under the direction or with the approval of the Secretary of the Treasury, by agreement with transportation lines, as provided in section thirty-two of this act, may arrange in some other manner for the payment of the duty imposed by this section upon aliens seeking admission overland, either as to all or as to any such aliens.

Sec. 2. That the following classes of aliens shall be excluded from admission into the United States: All idiots, insane persons, epileptics, and persons who have been insane within five years previous; persons who have had two or more attacks of insanity at any time previously; paupers; persons likely to become a public charge; professional beggars; persons afflicted with a loathsome or with a dangerous contagious disease; persons who have been convicted of a felony or other crime or misdemeanor involving moral turpitude; polygamists, anarchists, or persons who believe in or advocate the overthrow by force or violence of the Government of the United States or of all government or of all forms of law, or the assassination of public officials; prostitutes, and persons who procure or attempt to bring in prostitutes

or women for the purpose of prostitution; those who have been, within one year from the date of the application for admission to the United States, deported as being under offers, solicitations, promises or agreements to perform labor or service of some kind therein; and also any person whose ticket or passage is paid for with the money of another, or who is assisted by others to come, unless it is affirmatively and satisfactorily shown that such person does not belong to one of the foregoing excluded classes; but this section shall not be held to prevent persons living in the United States from sending for a relative or friend who is not of the foregoing excluded classes: *Provided*, That nothing in this act shall exclude persons convicted of an offense purely political, not involving moral turpitude: *And provided further*, That skilled labor may be imported, if labor of like kind unemployed can not be found in this country; *And provided further*, That the provisions of this law applicable to contract labor shall not be held to exclude professional actors, artists, lecturers, singers, ministers of any religious denomination, professors for colleges or seminaries, persons belonging to any recognized learned profession, or persons employed strictly as personal or domestic servants.

Sec. 3. That the importation into the United States of any woman or girl for the purposes of prostitution is hereby forbidden; and whoever shall import or attempt to import any woman or girl into the United States for the purposes of prostitution, or shall hold or attempt to hold, any woman or girl for such purposes in pursuance of such illegal importation shall be deemed guilty of a felony, and, on conviction thereof, shall be imprisoned not less than one nor more than five years and pay a fine not exceeding five thousand dollars.

Sec. 4. That it shall be unlawful for any person, company, partnership, or corporation, in any manner whatsoever, to prepay the transportation or in any way assist or encourage the importation or migration of any alien into the United States, in pursuance of any offer, solicitation, promise, or agreement, parole or special, expressed or implied, made previous to the importation of such alien to perform labor or service of any kind, skilled or unskilled, in the United States.

Sec. 5. That for every violation of any of the provisions of *section four* of this act the person, partnership, company, or cor-

poration violating the same, by knowingly assisting, encouraging, or soliciting the migration or importation of any alien to the United States to perform labor or service of any kind by reason of any offer, solicitation, promise, or agreement, expressed or implied, parole or special, to or with such alien shall forfeit and pay for every such offense the sum of one thousand dollars, which may be sued for and recovered by the United States or by any person who shall first bring his action therefor in his own name and for his own benefit, including any such alien thus promised labor or service of any kind as aforesaid, as debts of like amount are now recovered in the courts of the United States; and separate suits may be brought for each alien thus promised labor or service of any kind as aforesaid. And it shall be the duty of the district attorney of the proper district to prosecute every such suit when brought by the United States.

Sec. 6. That it shall be unlawful and be deemed a violation of section four of this act to assist or encourage the importation or migration of any alien by a promise of employment through advertisements printed and published in any foreign country; and any alien coming to this country in consequence of such an advertisement shall be treated as coming under a promise or agreement as contemplated in section two of this act, and the penalties imposed by section five of this act shall be applicable to such a case: *Provided*, That this section shall not apply to states or territories, the District of Columbia, or places subject to the jurisdiction of the United States advertising the inducements they offer for immigration thereto, respectively.

Sec. 7. That no transportation company or owner or owners of vessels or others engaged in transporting aliens into the United States shall, directly or through agents, either by writing, printing, or oral representations, solicit, invite, or encourage the immigration of any aliens into the United States except by ordinary commercial letters, circulars, advertisements, or oral representations, stating the sailings of their vessels and terms and facilities of transportation therein; and for a violation of this provision any such transportation company and any such owner or owners of vessels, and all others engaged in transporting aliens to the United States, and the agents by them employed, shall be subjected to the penalties imposed by section five of this act.



Sec. 8. That any person, including the master, agent, owner, or consignee of any vessel, who shall bring into or land in the United States, by vessel or otherwise, or who shall attempt, by himself or through another, to bring into or land in the United States, by vessel or otherwise, any alien not duly admitted by an immigrant inspector, or not lawfully entitled to enter the United States, shall be deemed guilty of a misdemeanor, and shall, on conviction, be punished by a fine not exceeding one thousand dollars for each and every alien so landed or attempted to be landed, or by imprisonment for a term not less than three months nor more than two years, or by both such fine and imprisonment.

Sec. 9. That it shall be unlawful for any person, including any transportation company other than railway lines entering the United States from foreign contiguous territory, or the owner, master, agent, or consignee of any vessel to bring to the United States any alien afflicted with a loathsome or with a dangerous contagious disease; and if it shall appear to the satisfaction of the Secretary of the Treasury that any alien so brought to the United States was afflicted with such a disease at the time of foreign embarkation, and that the existence of such disease might have been detected by means of a competent medical examination at such time, such person or transportation company or the master, agent, owner, or consignee of any such vessel shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of one hundred dollars for each and every violation of the provisions of this section; and no vessel shall be granted clearance papers while any such fine imposed upon it remains unpaid, nor shall such fine be remitted.

Sec. 10. That the decision of the board of special inquiry, hereinafter provided for, based upon the certificate of the examining medical officer, shall be final as to the rejection of aliens afflicted with a loathsome or with a dangerous contagious disease, or with any mental or physical disability which would bring such aliens within any of the classes excluded from admission to the United States under section two of this act.

Sec. 11. That upon the certificate of a medical officer of the United States Marine-Hospital Service to the effect that a rejected alien is helpless from sickness, physical disability, or infancy, if such alien is accompanied by another alien whose protection or

guardianship is required by such rejected alien, the master, agent, owner, or consignee of the vessel in which such alien and accompanying alien are brought shall be required to return such alien and accompanying alien in the same manner as vessels are required to return other rejected aliens.

Sec. 12. That upon the arrival of any alien by water at any port within the United States it shall be the duty of the master or commanding officer of the steamer, sailing or other vessel, having said alien on board to deliver to the immigration officers at the port of arrival lists or manifests made at the time and place of embarkation of such alien on board such steamer or vessel, which shall, in answer to questions at the top of said lists, state as to each alien the full name, age and sex; whether married or single; the calling or occupation; whether able to read or write; the nationality; the race; the last residence; the seaport for landing in the United States; the final destination, if any, beyond the port of landing; whether having a ticket through to such final destination; whether the alien has paid his own passage, or whether it has been paid by any other person or by any corporation, society, municipality, or government, and if so, by whom; whether in possession of fifty dollars, and if less, how much; whether going to join a relative or friend, and if so, what relative or friend and his name and complete address; whether ever before in the United States, and if so, when and where; whether ever in prison or almshouse or an institution or hospital for the care and treatment of the insane or supported by charity; whether a polygamist; whether an anarchist; whether coming by reason of any offer, solicitation, promise or agreement, expressed or implied, to perform labor in the United States, and what is the alien's condition of health, mental and physical, and whether deformed or crippled, and if so, for how long and from what cause.

Sec. 13. That all aliens arriving by water at the ports of the United States shall be listed in convenient groups, and no one list or manifest shall contain more than thirty names. To each alien or head of a family shall be given a ticket on which shall be written his name, a number or letter designating the list in which his name, and so forth, is contained, and his number on said list, for convenience of identification on arrival. Each list or manifest shall be verified by the signature and the oath or affirmation of

the master or commanding officer or the first or second below him in command, taken before an immigration officer at the port of arrival, to the effect that he has caused the surgeon of said vessel sailing therewith to make a physical and oral examination of each of said aliens, and that from the report of said surgeon and from his own investigation he believes that no one of said aliens is an idiot, or insane person, or a pauper, or is likely to become a public charge or is suffering from a loathsome or a dangerous contagious disease, or is a person who has been convicted of a felony or other crime, or misdemeanor involving moral turpitude, or a polygamist, or an anarchist, or under promise or agreement, expressed or implied, to perform labor in the United States, or a prostitute, and that also, according to the best of his knowledge and belief, the information in said lists or manifests concerning each of said aliens named therein is correct and true in every respect.

Sec. 14. That the surgeon of said vessel sailing therewith shall also sign each of said lists or manifests and make oath or affirmation in like manner before an immigration officer at the port of arrival, stating his professional experience and qualifications as a physician and surgeon, and that he has made a personal examination of each of the said aliens named therein, and that the said list or manifest, according to the best of his knowledge and belief, is full, correct, and true in all particulars relative to the mental and physical condition of said aliens. If no surgeon sails with any vessel bringing aliens the mental and physical examinations and the verifications of the lists or manifests shall be made by some competent surgeon employed by the owners of the said vessel.

Sec. 15. That in the case of the failure of the master or commanding officer of any vessel to deliver to the said immigration officers lists or manifests of all aliens on board thereof as required in sections twelve, thirteen, and fourteen of this act, he shall pay to the collector of customs at the port of arrival the sum of ten dollars for each alien concerning whom the above information is not contained in any list as aforesaid.

Sec. 16. That upon the receipt by the immigration officers at any port of arrival of the lists or manifests of aliens provided for in sections twelve, thirteen, and fourteen of this act it shall be

**the** duty of said officers to go or send competent assistants to the **vessels** to which said lists or manifests refer and there inspect all **such** aliens, or said immigration officers may order a temporary **removal** of such aliens for examination at a designated time and **place**, but such temporary removal shall not be considered a **land- ing**, nor shall it relieve the transportation lines, masters, agents, **owners** or consignees of the vessel upon which such aliens are **brought** to any port of the United States from any of the **obligations** which, in case such aliens remain on board, would, under **the** provisions of this act, bind the said transportation lines, **mas- ters**, agents, owners, or consignees: *Provided*, That where a suit- **able** building is used for the detention and examination of aliens **the** immigration officials shall there take charge of such aliens, **and** the transportation companies, masters, agents, owners, and **consignees** of the vessel bringing such aliens shall be relieved of **the** responsibility for their detention thereafter until the return **of** such aliens to their care.

Sec. 17. That the physical and mental examination of all arriv- ing aliens shall be made by medical officers of the United States Marine-Hospital Service, who shall have had at least two years' experience in the practice of their profession since receiving the degree of doctor of medicine and who shall certify for the informa- tion of the immigration officers and the boards of special inquiry hereinafter provided for, any and all physical and mental defects or diseases observed by said medical officers in any such alien, or, should medical officers of the United States Marine-Hospital Service be not available, civil surgeons of not less than four years' professional experience may be employed in such emergencies for the said service, upon such terms as may be prescribed by the Commissioner-General of Immigration, under the direction or with the approval of the Secretary of the Treasury. The United States Public Health and Marine-Hospital Service shall be reim- bursed by the Immigration Service for all expenditures incurred in carrying out the medical inspection of aliens under regulations of the Secretary of the Treasury.

Sec. 18. That it shall be the duty of the owners, officers and agents of any vessel bringing an alien to the United States to adopt due precautions to prevent the landing of any such alien from such vessel at any time or place other than that designated

by the immigration officers, and any such owner, officer, agent, or person in charge of such vessel who shall land or permit to land any alien at any time or place other than that designated by the immigration officers, shall be deemed guilty of a misdemeanor, and shall on conviction be punished by a fine for each alien so permitted to land of not less than one hundred nor more than one thousand dollars, or by imprisonment for a term not exceeding one year, or by both such fine and imprisonment, and every such alien so landed shall be deemed to be unlawfully in the United States and shall be deported, as provided by law.

Sec. 19. That all aliens brought into this country in violation of law shall, if practicable, be immediately sent back to the countries whence they respectively came on the vessels bringing them. The cost of their maintenance while on land, as well as the expense of the return of such aliens, shall be borne by the owner or owners of the vessels on which they respectively came; and if any master, person in charge, agent, owner, or consignee of any such vessels shall refuse to receive back on board thereof, or of any other vessel owned by the same interest, such aliens, or shall neglect to detain them thereon, or shall refuse or neglect to return them to the foreign port from which they came, or to pay the cost of their maintenance while on land, such master, person in charge, agent, owner, or consignee shall be deemed guilty of a misdemeanor and shall, on conviction be punished by a fine not less than three hundred dollars for each and every such offense; and no vessel shall have clearance from any port of the United States while any such fine is unpaid: *Provided*, That the Commissioner-General of Immigration, under the direction or with the approval of the Secretary of the Treasury, may suspend, upon conditions to be prescribed by the Commissioner-General, the deportation of any alien found to have come under promise or agreement of labor or service of any kind if, in his judgment, the testimony of such alien is necessary on behalf of the United States Government in the prosecution of offenders against the provisions of sections four and five of this act: *Provided*, That the cost of maintenance of any person so detained resulting from such suspension of deportation shall be paid from the "immigrant fund," but no alien certified, as provided in section seventeen of this act, to be suffering with a loathsome or with a dangerous contagious disease other than

One of a quarantinable nature, shall be permitted to land for medical treatment thereof in the hospitals of the United States.

Sec. 20. That any alien who shall come into the United States in violation of law, or who shall be found a public charge therein, from causes existing prior to landing, shall be deported as herein-after provided to the country whence he came at any time within two years after arrival at the expense, including one-half of the cost of inland transportation to the port of deportation, of the person bringing such alien into the United States, or, if that can not be done, then at the expense of the immigration fund referred to in section one of this act.

Sec. 21. That in case the Secretary of the Treasury shall be satisfied that an alien has been found in the United States in violation of this act he shall cause such alien, within the period of three years after landing or entry therein, to be taken into custody and returned to the country whence he came as provided in section twenty of this act, or, if that can not be so done, at the expense of the immigrant fund provided for in section one of this act; and neglect or refusal on the part of the masters, agents, owners, or consignees of vessels to comply with the order of the Secretary of the Treasury to take on board, guard safely, and return to the country whence he came any alien ordered to be deported under the provisions of this section shall be punished by the imposition of the penalties prescribed in section nineteen of this act.

Sec. 22. That the Commissioner-General of Immigration, in addition to such other duties as may by law be assigned to him, shall, under the direction of the Secretary of the Treasury, have charge of the administration of all laws relating to the immigration of aliens into the United States, and shall have the control, direction, and supervision of all officers, clerks, and employes appointed thereunder. He shall establish such rules and regulations, prescribe such forms of bonds, reports, entries and other papers, and shall issue from time to time such instructions, not inconsistent with law, as he shall deem best calculated for carrying out the provisions of this act and for protecting the United States and aliens migrating thereto from fraud and loss, and shall have authority to enter into contracts for the support and relief of such aliens as may fall into distress or need public aid;

all under the direction or with the approval of the Secretary of the Treasury. And it shall be the duty of the Commissioner-General of Immigration to detail officers of the immigration service from time to time as may be necessary, in his judgment, to secure information as to the number of aliens detained in the penal, reformatory, and charitable institutions (public and private) of the several States and Territories, the District of Columbia, and other territory of the United States, and to inform the officers of such institutions of the provisions of law in relation to the deportation of aliens who have become public charges: *Provided*, That the Commissioner-General of Immigration may, with the approval of the Secretary of the Treasury, whenever in his judgment such action may be necessary to accomplish the purposes of this act, detail immigration officers for temporary service in foreign countries.

Sec. 23. That the duties of the Commissioners of Immigration shall be of an administrative character, to be prescribed in detail by regulations prepared, under the direction or with the approval of the Secretary of the Treasury.

Sec. 24. That immigrant inspectors and other immigration officers, clerks, and employes shall hereafter be appointed, and their compensation fixed and raised or decreased from time to time, by the Secretary of the Treasury, upon the recommendation of the Commissioner-General of Immigration and in accordance with the provisions of the civil service act of January sixteenth, eighteen hundred and eighty-three: *Provided*, That nothing herein contained shall be construed to alter the mode of appointing commissioners of immigration at the several ports of the United States as provided by the sundry civil appropriation act approved August eighteenth, eighteen hundred and ninety-four, or the official status of such commissioners heretofore appointed. Immigration officers shall have power to administer oaths and to take and consider testimony touching the right of any alien to enter the United States, and, where such action may be necessary, to make a written record of such testimony, and any person to whom such an oath has been administered under the provisions of this act who shall knowingly or willfully give false testimony or swear to any false statement in any way affecting or in relation to the right of an alien to admission to the United States shall be

deemed guilty of perjury and be punished as provided by section fifty-three hundred and ninety-two, United States Revised Statutes. The decision of any such officer, if favorable to the admission of any alien, shall be subject to challenge by any other immigration officer and such challenge shall operate to take the alien whose right to land is so challenged before a board of special inquiry for its investigation. Every alien who may not appear to the examining immigrant inspector at the port of arrival to be clearly and beyond a doubt entitled to land shall be detained for examination in relation thereto by a board of special inquiry.

Sec. 25. That such boards of special inquiry shall be appointed by the commissioners of immigration at the various ports of arrival as may be necessary for the prompt determination of all cases of aliens detained at such ports under the provisions of law. Such boards shall consist of three members, who shall be selected from such of the immigrant officials in the service as the Commissioner-General of Immigration with the approval of the Secretary of the Treasury, shall from time to time designate as qualified to serve on such board: *Provided*, That at ports where there are fewer than three immigrant inspectors, the Secretary of the Treasury, upon recommendation of the Commissioner-General of Immigration, may designate other United States officials for service on such boards of special inquiry. Such boards shall have authority to determine whether an alien who has been duly held shall be allowed to land or be deported. All hearings before boards shall be separate and apart from the public, but the said boards shall keep complete permanent records of their proceedings and of all such testimony as may be produced before them; and the decision of any two members of a board shall prevail and be final, but either the alien or any dissenting member of said board may appeal, through the commissioner of immigration at the port of arrival and the Commissioner-General of Immigration, to the Secretary of the Treasury, whose decision shall then be final; and the taking of such appeal shall operate to stay any action in regard to the final disposal of the alien whose case is so appealed until the receipt by the commissioner of immigration at the port of arrival of such decision.

Sec. 26. That no bond or guaranty, written or oral, that an alien shall not become a public charge shall be received from any



person, company, corporation, charitable or benevolent society or association unless authority to receive the same shall in each special case be given by the Commissioner-General of Immigration, with the written approval of the Secretary of the Treasury.

Sec. 27. That no suit or proceeding for a violation of the provisions of this act shall be settled, compromised, or discontinued without the consent of the court in which it is pending, entered of record, with the reasons therefor.

Sec. 28. That nothing contained in this act shall be construed to affect any prosecution or other proceeding, criminal or civil, begun under any existing act or any acts hereby amended, but such prosecutions or other proceedings, criminal or civil, shall proceed as if this act had not been passed.

Sec. 29. That the circuit and district courts of the United States are hereby invested with full and concurrent jurisdiction of all causes, civil and criminal, arising under any of the provisions of this act.

Sec. 30. That after the first day of January, nineteen hundred and three, all exclusive privileges of exchanging money, transporting passengers or baggage, or keeping eating houses, and all other like privileges in connection with any United States immigration station, shall be disposed of after public competition, subject to such conditions and limitations as the Commissioner-General of Immigration, under the direction or with the approval of the Secretary of the Treasury, may prescribe: *Provided*, That no intoxicating liquors shall be sold in any such immigrant station; that all receipts accruing from the disposal of such exclusive privileges as herein provided shall be paid into the United States Treasury to the credit of the immigrant fund provided for in section one of this act.

Sec. 31. That for the preservation of the peace, and in order that arrests may be made for crimes under the laws of the States and Territories of the United States where the various immigrant stations are located, the officers in charge of such stations, as occasion may require, shall admit therein the proper state and municipal officers charged with the enforcement of such laws, and for the purposes of this section the jurisdiction of such officers and of the local courts shall extend over such stations.

Sec. 32. That the Commissioner-General of Immigration, under the direction or with the approval of the Secretary of the Treas-

ury, shall prescribe rules for the entry and inspection of aliens along the borders of Canada and Mexico, so as not to unnecessarily delay, impede, or annoy passengers in ordinary travel between the United States and said countries, and shall have power to enter into contracts with foreign transportation lines for the same purpose.

Sec. 33. That for the purposes of this act the words "United States" as used in the title as well as in the various sections of this act shall be construed to mean the United States and any waters, territory or other place now subject to the jurisdiction thereof.

Sec. 34. That no intoxicating liquors of any character shall be sold within the limits of the Capitol building of the United States.

Sec. 35. That the deportation of aliens arrested within the United States after entry and found to be illegally therein, provided for in this act, shall be to the trans-Atlantic or trans-Pacific ports from which said aliens embarked for the United States; or, if such embarkation was for foreign contiguous territory, to the foreign port at which said aliens embarked for such territory.

Sec. 36. That all acts and parts of acts inconsistent with this act are hereby repealed: *Provided*, That this act shall not be construed to repeal, alter or amend existing laws relating to the immigration or exclusion of Chinese persons or persons of Chinese descent.

Sec. 37. That whenever an alien shall have taken up his permanent residence in this country, and shall have filed his preliminary declaration to become a citizen, and thereafter shall send for his wife or minor children to join him, if said wife, or either of said children shall be found to be affected with any contagious disorder, and if it is proved that said disorder was contracted on board the ship in which they came, and is so certified by the examining surgeon at the port of arrival, such wife or children shall be held, under such regulations as the Secretary of the Treasury shall prescribe, until it shall be determined whether the disorder will be easily curable, or whether they can be permitted to land without danger to other persons; and they shall not be deported until such facts have been ascertained.

Sec. 38. That no person who disbelieves in or who is opposed to all organized government, or who is a member of or affiliated with any organization entertaining and teaching such disbelief in or

opposition to all organized government, or who advocates or teaches the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or officers generally, of the government of the United States or of any other organized government, because of his or their official character shall be permitted to enter the United States or any territory or place subject to the jurisdiction thereof. This section shall be enforced by the Secretary of the Treasury under such rules and regulations as he shall prescribe.

That any person who knowingly aids or assists any such person to enter the United States or any territory or place subject to the jurisdiction thereof, or who connives or conspires with any person or persons to allow, procure, or permit any such person to enter therein, except pursuant to such rules and regulations made by the Secretary of the Treasury shall be fined not more than five thousand dollars, or imprisoned for not less than one nor more than five years, or both.

Sec. 39. That no person who disbelieves in or who is opposed to all organized government, or who is a member of or affiliated with any organization entertaining and teaching such disbelief in or opposition to all organized government, or who advocates or teaches the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the government of the United States or of any other organized government, because of his or their official character, or who has violated any of the provisions of this act, shall be naturalized or be made a citizen of the United States. All courts and tribunals and all judges and officers thereof having jurisdiction of naturalization proceedings or duties to perform in regard thereto shall, on the final application for naturalization, make careful inquiry into such matters, and before issuing the final order or certificate of naturalization cause to be entered of record the affidavit of the applicant and of his witnesses so far as applicable, reciting and affirming the truth of every material fact requisite for naturalization. All final orders and certificates of naturalization hereafter made shall show on their face specifically that said affidavits were duly made and recorded and all orders and certificates that fail to show such facts shall be null and void.

## CONSTITUTIONAL PROVISIONS, LAWS, BY-LAWS AND RULES. 465

That any person who purposely procures naturalization in violation of the provisions of this section shall be fined not more than five thousand dollars, or shall be imprisoned not less than one nor more than ten years, or both, and the court in which such conviction is had shall thereupon adjudge and declare the order or decree and all certificates admitting such person to citizenship null and void. Jurisdiction is hereby conferred on the courts having jurisdiction of the trial of such offense to make such adjudication.

That any person who knowingly aids, advises, or encourages any such person to apply for or to secure naturalization or to file the preliminary papers declaring an intent to become a citizen of the United States, or who in any naturalization proceeding knowingly procures or gives false testimony as to any material fact, or who knowingly makes an affidavit false as to any material fact required to be proved in such proceeding, shall be fined not more than five thousand dollars, or imprisoned not less than one nor more than ten years, or both.

The foregoing provisions concerning naturalization shall not be enforced until ninety days after the approval hereof.

Approved March 3, 1903.

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### THE LIQUOR TAX LAW.

#### Chapter 112, Laws of 1896.

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§ 24. Places in which traffic in liquor shall not be permitted.  
—Traffic in liquor shall not be permitted:

1. In any building or upon any premises or lands established as a penal institution, protectory, industrial school, asylum, state hospital, state agricultural and industrial school, colony or institution established for the care or treatment of epileptics, or poorhouse, and if such building, premises or lands, other than a county jail or state prison, be situated in a town and outside the limits of an incorporated village or city, not within one-half mile of any building, premises or lands so occupied, provided there be such distance of one-half mile between such building, premises and lands and the nearest boundary line of such village or city.

\* \* \* (*As amended by chapter 445 of the Laws of 1896, § 1; chapter 312 of the Laws of 1897, § 16; and chapter 104 of the Laws of 1905.*) \* \* \*

§ 30. Persons to whom liquor shall not be sold or given away.—No corporation, association, copartnership or person, whether taxed under this act or not, shall sell, deliver or give away or cause or permit or procure to be sold, delivered or given away any liquors to:

1. Any minor under the age of eighteen years; nor to such minor for any other person;

2. To any intoxicated person;

3. To any habitual drunkard;

4. To any Indian;

5. To any person to whom such corporation, association, copartnership or person may be forbidden to sell by notice in writing from the parent, guardian, husband, wife or child of such person over sixteen years of age, or by a magistrate or overseer of the poor of the town; provided, however, that such notice in writing by a magistrate or overseer of the poor of the town shall apply only in the case of a person who is wholly or partly a charge upon the town, which fact shall be stated in such notice;

6. To any person confined in or committed to a state prison, jail, penitentiary, house of refuge, reformatory, protectory, industrial school, asylum or state hospital, or any inmate of a poorhouse, or any patient in any colony or institution established for the care or treatment of epileptics, except upon a written prescription from a physician to such institution, specifying the cause for which such prescription is given, the quantity and kind of liquor which is to be furnished, the name of the person for whom and the time or times at which the same shall be furnished. Such prescription shall not be made unless the physician is satisfied that the liquor furnished is necessary for the health of the person for whose use it is prescribed, and that fact must be stated in the prescription. (*As amended by chapter 312 of the Laws of 1897, § 21.*)

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#### PROCEEDINGS RESPECTING THE SUPPORT OF POOR PERSONS.

##### Title VIII of Part VI of the Code of Criminal Procedure.

Section 914. Who may be compelled to support poor relatives.

915. Order to compel a person to support a poor relative, etc.

Section 916. Court to hear the case, and make order of support.

917. Support, when to be apportioned among different relatives.

918. Order, to prescribe time during which support is to continue, or may be indefinite; when and how order may be varied.

919. Costs, by whom to be paid, and how enforced.

920. Action on the order, on failure to comply therewith.

921. Proceedings against absconding parents, leaving children chargeable to public, etc.

922. Seizure of their property; transfer thereof, when void.

923. Warrant and seizure, when confirmed or discharged; direction of the court thereon.

924. Warrant, in what cases to be discharged.

925. Sale of the property seized and application of its proceeds.

926. Powers of superintendents of poor.

Section 914. Who may be compelled to support poor relatives. —The father, mother and children, if of sufficient ability, of a poor person who is insane, blind, old, lame, impotent or decrepit, so as to be unable by work to maintain himself, must, at their own charge, relieve and maintain him in a manner to be approved by the overseers of the poor of the town where he is, or in the city of New York, by the commissioners of public charities. If such poor person be insane, he shall be maintained in the manner prescribed by the insanity law. The father, mother, husband, wife, or children of a poor insane person legally committed to and confined in an institution supported in whole or in part by the state, shall be liable, if of sufficient ability, for the support and maintenance of such insane person from the time of his reception in such institution. (*As amended by chapter 399 of the Laws of 1898.*)

Where a son requests the superintendent of the poor to take proceedings to have his father committed to an asylum, and promises to pay a certain sum towards his future support he is liable therefor. *Supreme Court, June, 1888, Herendeen v. De Witt*; 49 Hun, 53.

A husband is not bound to maintain his wife's illegitimate children born before their marriage. *Supreme Court, May, 1827, Minden v. Cox*, 7 Cow., 225.

Persons having relatives within prescribed degrees and whom they have sufficient ability to support are under an absolute duty, at their own charge, to support the persons described, not in the poorhouse, nor even through the agency of, but only in a manner to be approved by, the poor authorities of town or county. *Supreme Court, April 13, 1892, Matter of Weaver v. Benjamin*, 45 St. Rep., 97; 18 N. Y. Supp., 630, 631. This scheme is outside of the general provisions of the statute for the care and relief of the poor, who are, or who become, a public charge. *Id.* Its purpose is to prevent these persons from becoming a public charge. *Id.* It is not the intent that they are to be made and marked as public paupers by being consigned to the poorhouse of the county. *Id.*

The order for support goes beyond the power of the court when it attaches to the liability of a party to support his mother, the condition that she shall receive such support in the county poorhouse. *Id.*

The court has no power to prescribe the place where the poor person shall be supported, nor any of the conditions of such support, except that the manner of it shall be such as is approved by the overseers or superintendents of the poor. *Id.*

Whatever power there is over that support is vested in the overseers or superintendents of the poor; the court can only declare the duty to support, and in default to fix the sum to be paid. *Id.*

*Supreme Court, March, 1885, In Stevens v. Cheney*, 36 Hun, 1, the court said: "Under this statute (§ 914) the child is bound to aid in the support of a parent if he is a poor person and unable to defend himself, and, if he fails to do so, the court of sessions may compel him. If the child recognizes the duty laid upon him by statute to care for his indigent parent and voluntarily assumes it without waiting to be compelled by the court of sessions, what right have third persons or wrongdoers to interfere and prevent? The law affords the same protection to those who perform their duty voluntarily as it does to those who reluctantly act under compulsion, and we are of opinion that if the parent is a poor person within the provisions of the statute, it was the duty of the son to aid in his support, and if he voluntarily did that and the plaintiff has been deprived of his means of support by reason of the intoxication, that then he may recover, even though his child is over the age of twenty-one years." See, also, *Supreme Court, October, 1895, De Puy v. Cook*, 90 Hun, 43.

Where two or more persons are equally liable to support an indigent person but are unequally able to grant such support, contribution may be ordered and all may be made to pay in accordance with their means. *Court of Appeals, February 20, 1872, Stone v. Burgess*, 47 N. Y. 521; 2 Lans. 439.

The common law affords no means of compelling a husband to support his wife otherwise than by making him liable to third persons who have supplied her with necessities after he has improperly refused to do so and the statute providing for the compulsory support of indigent relatives does not extend to husband and wife. *Supreme Court, July, 1877, People ex rel. Kehlbeck v. Walsh*, 11 Hun, 292.

The wife of a man who is abundantly able to provide for her cannot be deemed a poor person. Superintendents of the poor cannot, as such, maintain an action against a husband for boarding, clothing and medical aid furnished to his wife as a pauper. *Supreme Court, May, 1854, Norton et al. v. Rhodes*, 18 Barb. 100.

§ 915. Order to compel a person to support a poor relative, etc.—If a relative of a poor person fail to relieve and maintain him, as provided in the last section, the overseers of the poor of the town where he is, or in the city of New York, the commissioners of public charities may apply to any court of record or to a judge thereof where the relative dwells, for an order to compel such relief upon at least ten days' written notice, served personally, or by leaving it at the last place of residence of the person to whom it is directed, in case of his absence, with a person of suitable age and discretion. If such poor person be insane and legally committed to and confined in an institution supported in whole or in part by the state, and his relatives refuse or neglect to pay for his support and maintenance therein, application may be made by the treasurer of such institution in the manner provided in this section for an order directing the relatives liable therefor to make such payment. (*As amended by chapter 399 of the Laws of 1898.*)

The overseers are the proper parties to begin proceedings to compel a father to support his poor and infirm son. *Supreme Court, July 1887, Tillotson v. Smith*, 12 St. Rep. 331. See also *Court of Appeals, February 20, 1872, Stone v. Burgess*, 2 Lans. 439.

§ 916. Court to hear the case and make order of support.—At the time appointed in the notice, the court or a judge thereof must proceed summarily to hear the allegations and proofs of the parties, and must order such of the relatives of the poor person mentioned in section nine hundred and fourteen, as were served with the notice and are of sufficient ability, to relieve and maintain him, specifying in the order the sum to be paid weekly for his support, and requiring it to be paid by the father, or if there be none, or if he be not of sufficient ability, then by the children, or if there be none, or if they be not of sufficient ability, then by the mother. If the application be made to secure an order compelling relatives to pay for the maintenance of insane poor persons committed to and confined in an institution supported in whole or in part by the state such order shall specify the sum to be paid for his maintenance by his relatives liable therefor, from the time of his reception in such institution to the time of making such order, and also the sum to be paid weekly for his future maintenance in such institution. The



relatives served with such notice shall be deemed to be of sufficient ability, unless the contrary shall affirmatively appear to the satisfaction of the court or a judge thereof. (*As Amended by chapter 399 of the Laws of 1898.*)

§ 917. Support; when to be apportioned among different relatives.—If it appear that any such relative is unable to wholly maintain the poor person or to pay for his maintenance if confined in a state institution for the insane, but is able to contribute toward his support, the court or judge thereof may direct two or more relatives, of different degrees, to maintain him or to pay for his maintenance in such an institution if insane, prescribing the proportion which each must contribute for that purpose; and if it appear that the relatives are not of sufficient ability wholly to maintain him, or to pay for his maintenance in such an institution, if insane, but are able to contribute something, the court or a judge thereof may direct the sum, in proportion to their ability, which they shall pay weekly for that purpose. If it appears that the relatives who are liable for the maintenance of an insane poor person confined in a state institution for the insane are not able to pay the whole amount due for such maintenance from the time of such poor person's admission to such institution, the court or a judge thereof must direct the sum to be paid for such maintenance in proportion to the ability of the relatives liable therefor. (*As amended by chapter 399 of the Laws of 1898.*)

Two out of five children may be ordered to support an indigent parent, and those two in unequal amounts. *Court of Appeals, February 20, 1872, Stone v. Burgess*, 2 Lans. 439.

The liability of the children charged by the order is several, and either is liable on default, in an action to recover the payment required of him by the order. *Id.*

Where the poor are a charge upon the county, the action to enforce such support is properly brought by the superintendent of the poor. *Id.*

See *Supreme Court, June 23, 1888, Herendeen v. DeWitt*, 17 St. Rep. 298; 1 N. Y. Supp. 469; 49 Hun. 55.

§ 918. Order to "prescribe time during which support is to continue, or may be indefinite; when and how order may be varied.—The order may specify the time during which the relatives must maintain the poor person, or during which any of the sums directed by the court or a judge thereof are to be paid, or it may be indefinite or until the further order of the court

**Or** a judge thereof. If the order be for the payment of a weekly sum for the maintenance of an insane poor person in a state institution, the order shall specify that such sum shall be paid as long as such insane poor person is maintained in such institution. The court or a judge thereof may from time to time vary the order, as circumstances may require, on the application either of any relative affected by it, or of an officer on whose application the order was made, upon ten days' written notice. (*As amended by chapter 399 of the Laws of 1898.*)

So long as an order, made by a court of sessions, directing the relative of a poor person to pay a specified sum periodically to the superintendent of the poor for the support of such poor person, remains unchanged, such relative is liable to pay the sum therein prescribed. If he or she desires to be relieved therefrom application to amend the order should be made. If the person directed by an order of the Court of Sessions to pay a certain sum of money per week, payable monthly to a superintendent of the poor, to be applied exclusively to the support of her daughter, desires to relieve herself from the effect thereof, she should apply to the Court of Sessions under the provisions of this section for its modification, but so long as the order remains unchanged such person is, by force of the statute, liable to pay the sum therein prescribed. *Supreme Court, October, 1892, Aldridge v. Walker*, 73 Hun, 281; 57 St. Rep. 273; 26 N. Y. Supp. 296.

Such an order is not void because it gives no option to such person either to support her daughter or to pay the amount provided, and if it is irregular or improper the remedy is by appeal, and the question of its irregularity or impropriety cannot be properly raised in an action brought to collect the amount directed to be paid by such person and unpaid by her. *Id.*

While the determination provided for by this title is denominated an order, it was a final determination of the matter, and in effect a judgment. *Id.*

See *Supreme Court, April 13, 1892, matter of Weaver v. Benjamin*, 45 St. Rep. 97; 18 N. Y. Supp. 631; *Supreme Court, June 23, 1888, Herendeen v. DeWitt*, 17 St. Rep. 298; 49 Hun, 55; 1 N. Y. Supp. 469.

§ 919. Costs, by whom to be paid, and how enforced.—The costs and expenses of the application must be ascertained by the court, and paid by the relatives against whom the order is made; and the payment thereof, and obedience to the order of maintenance, and to any order for the payment of money, may be enforced by attachment.

§ 920. Action on the order on failure to comply therewith.—If a relative, required by an order or the court or a judge thereof, to relieve or maintain a poor person, neglect to do so in the manner approved by the officers mentioned in section nine hun-

dred and fourteen, and neglect to pay them weekly the sum prescribed by the court or a judge thereof, the officers may maintain an action against the relative, and recover therein the sum prescribed by the court or a judge thereof, for every week the order has been disobeyed, to the time of the recovery, with costs, for the use of the poor. If the order directs a relative to pay for the maintenance of an insane poor person in a state institution, and such relative refuses or neglects to pay the amount specified therein, an action may be brought by the treasurer of such institution in its corporate name to recover the amount due to such institution by virtue of such order. (*As amended by chapter 399 of the Laws of 1898.*)

The relative may provide for the support of the pauper at such place, and in such manner, as he shall deem proper, provided the place and manner are approved by the proper officers. *Supreme Court, June, 1873, Duel v. Lamb*, 1 T. & C. 66. It is not until he has neglected or refused to do this, that he is liable for the sum directed to be paid. *Id.*

The court of sessions has no authority to prescribe the place or manner of support. *Id.* Whatever power there is over that support is vested in the overseers or superintendents of the poor. *Id.*; *Supreme Court, January, 1854, Converse v. McArthur*, 17 Barb. 410.

If the pauper, of his own accord, leaves the supporting party who is ready and willing to take him back and support him upon the terms of the order, the duty of the supporting party is fully discharged. *Supreme Court, June, 1873, Duel v. Lamb*, 1 T. & C. 69; *Supreme Court, January, 1854, Converse v. McArthur*, 17 Barb. 410.

See *Supreme Court, June 23, 1888, Herendeen v. DeWitt*, 17 St. Rep. 298; 49 Hun, 55; 1 N. Y. Supp. 469.

§ 921. Proceedings against absconding parents, leaving children chargeable to public, etc.—When the father, or the mother being a widow or living separate from her husband, absconds from the children, or a husband from his wife, leaving any of them chargeable or likely to become chargeable upon the public, the officers mentioned in section nine hundred and fourteen may apply to any two justices of the peace or police justices in the county in which any real or personal property of the father, mother or husband is situated, for a warrant to seize the same. Upon due proof of the facts, the magistrate must issue his warrant, authorizing the officers so applying to take and seize the property of the person so absconding. Whenever any child shall be committed to an institution pursuant to any provision of law, any criminal court or magistrate may issue a warrant for the

arrest of the father of the child, and examine into his ability to maintain such child in whole or in part; and if satisfied that such father is able to contribute towards the support of the child, then such court or magistrate shall, by order require the weekly payment by such father of such sum and in such manner as shall be in said order directed, towards the maintenance of such child in such institution, which amount when paid shall be credited by the institution to the city, town or county against any sums due to it therefrom on account of the maintenance of the child. (*As amended by chapter 13 of the Laws of 1903.*)

In cases of a commitment of a child to an institution under the Penal Code, the magistrate is authorized to order the father to pay a sum for the child's support which is to be credited by the institution to the city, town or county against any sum due for maintenance. *Supreme Court, July 7, 1890, People ex rel. St. Magdalen School, etc., v. Dickson*, 32 St. Rep. 496; 57 Hun, 315; 10 N. Y. Supp. 605.

One of two overseers of the poor is authorized to institute and carry on proceedings for the seizure of property of one who has absconded, leaving his wife or child chargeable to the town. When only one overseer acts, the consent of the other will be presumed. *Supreme Court, May, 1839, Downing v. Rugar*, 21 Wend. 178.

§ 922. Seizure of their property; transfer thereof, when void.—The officers so applying may seize and take the property, wherever it may be found in the same county; and are vested with all the rights and title thereto, which the person absconding then had. The sale or transfer of any personal property, left in the county from which he absconded, made after the issuing of the warrant, whether in payment of an antecedent debt or for a new consideration, is absolutely void. The officers must immediately make an inventory of the property seized by them, and return it, together with their proceedings, to the next county court of the county where they reside, there to be filed. (*As amended by chapter 880 of the Laws of 1895.*)

§ 923. Warrant and seizure, when confirmed or discharged. Direction of the court thereon.—The court, upon inquiring into the circumstances of the case, may confirm or discharge the warrant and seizure; and if it be confirmed, must, from time to time, direct what part of the personal property must be sold, and how much of the proceeds of the sale, and of the rents and profits of the real property, if any, are to be applied toward the maintenance of the children or wife of the person absconding.

§ 924. Warrant, in what cases to be discharged.—If the party against whom the warrant issued, return and support the wife or children so abandoned, or give security satisfactory to any two justices of the peace, or police justices in the city, village or town, to the overseers of the poor of the town, or in the city of New York, to the commissioners of charities and corrections, that the wife or children so abandoned shall not be chargeable to the town or county, then the warrant must be discharged by an order of the magistrates, and the property taken by virtue thereof restored to the party.

§ 925. Sale of the property seized, and application of its proceeds.—The officers must sell at public auction the property ordered to be sold, and receive the rents and profits of the real property of the person absconding, and in those cities, villages or towns which are required to support their own poor, the officers charged therewith must apply the same to the support of the wife or children so abandoned; and for that purpose must draw on the county treasurer, or in the city of New York, upon the comptroller, for the proceeds as directed by special statutes. They must also account to the county court of the county, for all money so received by them, and for the application thereof from time to time, and may be compelled by that court to render that account at any time. (*As amended by chapter 880 of the Laws of 1895.*)

§ 926. Powers of superintendents of poor.—In those counties where all the poor are a charge upon the county, the superintendents of the poor are vested with the same powers, as are given by this title to the overseers of the poor of a town, in respect to compelling relatives to maintain poor persons, and in respect to the seizure of the property of a parent absconding and abandoning his family; and are entitled to the same remedies in their names, and must perform the duties required by this title, of overseers, and are subject to the same obligations and control.

This section gives to the superintendents of the poor of those counties in which all the poor are a county charge the powers given to the overseers of the towns by the preceding sections. *Supreme Court, April 13, 1892, Matter of Weaver v. Benjamin*, 45 St. Rep. 97; 18 N. Y. Supp. 631.

An application to compel relatives to maintain poor persons should be made by the county superintendent, where all the poor are a charge upon the county. *Supreme Court, July, 1887, Matter of Tillotson v. Smith*, 12 St. Rep. 332.

**CARE OF AGED, DECREPIT AND FEEBLE-MINDED PERSONS.**

**AN ACT** to provide for the care of aged, decrepit, and mentally enfeebled persons who are not insane.

**Chapter 914, Laws of 1896.**

**Section 1.** It shall be lawful for the state board of charities, within ten days after the passage of this act, to exercise supervision over all aged, decrepit and feeble-minded persons who are not proper subjects for care and treatment in a hospital for the insane, but who, on application by themselves, or by their relatives, or if without relatives, then by their friends or legal guardians, seek to obtain admission into any homes, retreats, or other asylums which may be authorized under the provisions of this act, to receive and administer to their necessities in a safe and humane manner.

**§ 2.** The state board of charities, in the exercise of such official supervision, is hereby empowered to license any home, retreat, or other asylum devoted to the sole purpose of keeping and caring for such aged, decrepit or mentally enfeebled persons whenever in the judgment of said board such home, retreat or asylum possesses the necessary equipment in officers and attendants, together with suitable domestic accommodations in all other respects, for the safe and humane maintenance of such patients. And the power of exercising supervision over such institutions by the state board of charities, and of visiting and inspecting them and their inmates at all times, shall be the same as now belongs to them in respect to the other institutions under their care.

**§ 3.** Any person not a minor may voluntarily enter such a licensed institution upon filing an application of his intention with the superintendent thereof, supported by the affidavits of two reputable physicians of the places of residence of such person, certifying to the fact that the said applicant, though aged, decrepit or mentally enfeebled, is not insane nor a proper subject for treatment in a hospital for the insane, and that he goes there with the consent of his relatives, friends, or legal guardians.

**§ 4.** In case such applicant be incompetent to act for himself, a similar application may be made in his behalf by any relative,

friend or legal guardian in whose charge, or by whose assistance he is maintained, and the superintendent of such institution is hereby authorized to receive him in like manner as above stated.

§ 5. Any patient upon application made to the state board of charities by him, or his friends or legal guardians, may be discharged from any such home, retreat or asylum, and placed in the care of his friends or other suitable place as the said board, in their judgment, may deem best.

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**PASTEUR INSTITUTE; OVERSEERS OF THE POOR MAY  
SEND PERSONS IN DANGER OF INFECTION WITH RABIES  
OR HYDROPHOBIA.**

AN ACT to provide for a permanent establishment for the cure and prevention of hydrophobia.

Chapter 770, Laws of 1895.

Section 1. Patients sent to Pasteur Institute.—Overseers of the poor or other officers having charge of the dispensation of public charity in the several counties of this state may hereafter send to the Pasteur institute in the city of New York all persons duly certified by regular physicians to have been bitten by rabid animals or otherwise put in danger of infection with rabies. (*As amended by chapter 482 of the Laws of 1901.*)

§ 2. Transportation, cost of.—The transportation of such persons, with necessary attendant or attendants, to and from the city of New York, shall be a charge upon the counties in which they reside. The sustenance, nursing and preventive treatment of such persons, for the time adjudged necessary, shall be provided by the Pasteur institute of the city of New York.

§ 3. Charges, how paid.—The charges for the services of the Pasteur institute of the city of New York shall be paid as is provided for the several poor persons by section forty-two of chapter two hundred and twenty-five of the Laws of eighteen hundred and ninety-six, at a rate not exceeding one hundred dollars a patient. (*As amended by chapter 482 of the Laws of 1901.*)

§ 4. Institute open to inspection.—The Pasteur institute of the city of New York shall be at all times open to the inspection

of the Governor and of the State Board of Health or of the accredited representative of either, and shall annually, on or before the fifteenth of January of each year make its report to the Legislature.

§ 5. All acts and parts of acts inconsistent with this act are hereby repealed.

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#### CARE OF INDIGENT AND PAUPER CHILDREN.

AN ACT to revise and consolidate the statutes of the state relating to the custody and care of indigent and pauper children by orphan asylums and other charitable institutions.

##### Chapter 438, Laws of 1884.

Section 1. Guardianship of indigent children may be committed to any incorporated orphan asylum.—The guardianship of the person and the custody of any indigent child may be committed to any incorporated orphan asylum or other institution incorporated for the care of orphan, friendless or destitute children, by an instrument in writing signed by the parents of such child, if both such parents shall then be living, or by the surviving parent, if either parent of such child be dead, or if either one of such parents shall have, for the period of six months then next preceding, abandoned such child, by the other of such parents, or if the father of such child shall have neglected to provide for his family during the six months then next preceding, or if such child be a bastard, by the mother of such child; or if both parents of such child shall then be dead, by the guardian of the person of such child, legally appointed, with the approval of the court or officer which appointed such guardian to be entered of record; or if both parents of such child shall then be dead and no legal guardian of the person of such child shall have been appointed, and no guardian of such child shall have been appointed by a last will and testament, or by a deed by either parent thereof, or if the parents of such child shall have abandoned such child for the period of six months then next preceding, by the mayor of the city or by the county judge of the county in which such asylum or such other institution shall be located, upon such terms, for such time, and



subject to such conditions as may be agreed upon by the parties to such written instrument. And such written instrument may provide for the absolute surrender of such child to such corporation. But no such corporation shall draw or receive money from public funds for the support of any such child committed under the provisions of this section, unless it shall have been determined by a court of competent jurisdiction that such child has no relative, parent or guardian living, or that such relative, parent or guardian, if living, is destitute and actually unable to contribute to the support of such child.

CHARITABLE CORPORATION—NOT LIABLE FOR INJURY TO INMATE.—“A corporation incorporated under chapter 319 of the Laws of 1848, as amended by chapter 446 of the Laws of 1883, ‘to maintain and support an industrial school and asylum for the sustenance and education of male orphan children,’ which is conducted by the Christian Brothers without compensation, and which is largely supported by charity, although it receives from the various counties of the State a certain weekly sum for the support of the boys committed to it by the magistrates and other correctional officers of the county pursuant to section 713 of the Penal Code, and also a small sum for the sale of surplus farm products and manufactured articles, is a charitable and benevolent corporation and is not liable to a boy committed to it by a police magistrate for injuries sustained by him while operating a machine in the laundry of the institution in consequence of the negligence of the foreman of the laundry in failing to instruct him concerning the operation of the machine and to warn him of the dangers incident thereto. The rule of *respondeat superior* does not apply to the case.

“*Semble*, that, as to such an inmate, the institution acts as one of the governmental agencies of the State, and is, therefore, not liable for negligence.”

*In re action by James Corbett, minor, by Michael J. Corbett, guardian, to recover damages from St. Vincent's Industrial School, Utica, for injuries sustained by plaintiff while assisting in operating a mangle. Supreme Court, January, 1902, Corbett v. St. Vincent's Industrial School of Utica (79 App. Div. 334), reversing judgment of Supreme Court in favor of plaintiff.)*

§ 2. Children not to be sent to county poorhouses, etc.—It shall not be lawful for any county superintendent or overseer of the poor, board of charity or other officer, to send any child between the ages of two and sixteen years, as a pauper, to any county poorhouse or almshouse for support and care, or to detain any child between the ages of two and sixteen years in such poorhouse or almshouse; but such county superintendents, overseers of the poor, boards of charities or other officers shall provide for such child or children, in families, orphan asylums, hospitals, or other appropriate institutions, as pro-

vided by law. The boards of supervisors of the several counties of the state are hereby directed to take such action in the matter as may be necessary to carry out the provisions of this section. When any such child shall be so provided for or placed in any orphan asylum or such other institution, such child shall, when practicable, be so provided for or placed in such asylum or such other institution as shall then be controlled by persons of the same religious faith as the parents of such child.

§ 3. Record to be kept by all institutions for reception of minors, etc.—All institutions, public or private, incorporated or not incorporated, for the reception of minors, whether as orphan or as pauper, indigent, destitute, vagrant, disorderly or delinquent persons, are hereby required to provide and keep a record in which shall be entered the date of reception, and the names and places of birth and residence, as nearly as the same can reasonably be ascertained, of all children admitted in such institutions, and how and by whom and for what cause such children shall be placed therein, and the names, residence, birthplace and religious denomination of the parents of such children so admitted, as nearly as the same can be reasonably ascertained; and whenever any such child shall leave such institution, the proper entry shall be made in such record, showing in what manner such child shall have been disposed of, and if apprenticed to or adopted by any person or family, or otherwise placed out at service or on trial, the name and place of residence of the person or head of the family to or with whom such child shall have been so apprenticed, adopted or otherwise placed out. The supreme court may, upon application by a parent, relative or legal guardian of such child, after due notice to the institution and hearing had thereon, by order direct the officers of such institution to furnish such parent, relative or legal guardian with such extracts from such record relating to such child as such court may deem proper. Nothing in this section shall be construed to prevent visitation by relatives and friends in accordance with the established rules of such institutions. (*As amended by chapter 54 of the Laws of 1894.*)

§ 4. Removal of children from one institution to another, etc.—While any child which shall have been placed in such asylum, or other institution, as a pauper, in pursuance of the second

section of this act, shall remain therein at the expense of the county or town to which such pauper child is chargeable, the superintendents of the poor of such county, or the overseer of the poor of such town, may, in their discretion, remove such child from such asylum or other institution and place such child in some other such institution or make such other disposition of such child as shall then be provided by law. The name of no child shall be changed while in such institution as in this section aforesaid. But no parent of such pauper child, so in such asylum or other institution as in this section aforesaid, shall be entitled to the custody thereof except in pursuance of a judgment or order of a court or judicial officer of competent jurisdiction, adjudging or determining that the interests of such child will be promoted thereby, and that such parent is fit, competent and able to duly maintain, support and educate such child.

§ 5. Children may be bound out as apprentices, servants, etc. —Any corporation specified in the first section of this act may bind out any indigent or pauper child, if a male, for a period which shall not be beyond his twenty-first year, and if a female, for a period which shall not be beyond her eighteenth year, which shall have been absolutely surrendered to the care and custody of such corporation in pursuance of the provisions of the first section of this act, or which shall have been placed therein as a pauper in pursuance of the provisions of the second section of this act, or which shall have been left to the care of such corporation with no provision by the parent, relative or legal guardian of such child, for its support for a period of one year then next preceding, to be a clerk, apprentice or servant. (*Balance of section repealed. See Domestic Relations Law, chapter 272 of the Laws of 1896.*)

§ 7. Children may be placed by adoption with suitable persons.—Any child which a corporation specified in the first section of this act is, by the fifth section of this act, authorized to bind out may be placed by such corporation, by adoption. (*Balance of section repealed. See Domestic Relations Law, chapter 272 of the Laws of 1896.*)

## THE INSANITY LAW.

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AN ACT in relation to the insane, constituting chapter twenty-eight of the general laws.

Chapter 545, Laws of 1896, as amended by Chapters 260 of the Laws of 1899; 380, 634 and 676, Laws of 1900; 137 and 546, Laws of 1901; 26, 130, 391 and 599, Laws of 1902; 146 and 221, Laws of 1903; 326, 330, 428, 525 and 714, Laws of 1904; 490 and 497 of the Laws of 1905; and 107, 284 and 296, Laws of 1906.

- Article I. State commission in lunacy. (§§ 1-18.)  
II. Institutions for the care, treatment and custody of the insane. (§§ 30-54.)  
III. Commitment, care and discharge of the insane. (§§ 60-78.)  
IV. Matteawan State Hospital for insane criminals. (§§ 90-104.)  
V. Laws repealed, when to take effect. (§§ 110-111.)

### ARTICLE I.

#### STATE COMMISSION IN LUNACY.

- Section 1. Short title.  
2. Definitions.  
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4. Office and clerical force of commission; medical inspector.  
5. Official seal and execution of papers.  
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6a. General powers as to state hospitals.  
7. Official visits.  
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10. State hospital districts; how defined.

- Section 11. Change of hospital districts and reassignment of patients.
12. Record of medical examiners.
  13. Record of patients.
  14. Institutions to furnish information to commission.
  15. Commission to provide for the prospective wants of the insane.
  16. Director of the pathological institute.
  17. Hospital attorneys.
  18. Board of alienists for examination of insane, idiotic, imbecile and epileptic immigrants; powers and duties.

Section 1. Short title.—This chapter shall be known as the insanity law.

§ 2. Definitions.—When used in this chapter, the term poor person means a person who is unable to maintain himself and having no one legally liable and able to maintain him; the term, an indigent person, means one who has not sufficient property to support himself while insane, and the members of his family lawfully dependent upon him for support; the term institution means any hospital, asylum, building, buildings, house or retreat, authorized by law to have the care, treatment or custody of the insane; the term commission means the state commission in lunacy; the term patient means an insane person committed to an institution according to the provisions of this chapter.

§ 3. Appointment, qualifications, terms of office and salaries of commissioners.—There shall continue to be a state commission in lunacy, consisting of three commissioners, all of whom shall be citizens of this state. One of them, who shall be president of the commission, shall be a reputable physician, a graduate of an incorporated medical college of at least ten years' experience in the actual practice of his profession, who has had five years' actual experience in the care and treatment of the insane, and who has had experience in the management of institutions for the insane. One of such commissioners shall be a reputable attorney and counsellor-at-law of the courts of this state of not less than ten years' standing. The third commissioner shall be a reputable citizen. The president of the commission shall receive an annual salary of seven thousand five hundred dollars, and

twelve hundred dollars in lieu of his traveling and incidental expenses, payable monthly. Each of the other commissioners shall receive an annual salary of five thousand dollars, and twelve hundred dollars, in lieu of his traveling and incidental expenses, payable monthly. The president of the commission shall hold office during good behavior and shall be removable by the governor only for cause, stated in writing, after an opportunity has been given him to be heard thereon. A commissioner, other than the president, may be removed by the governor for cause, stated in writing, after an opportunity has been given him to be heard thereon. The full term of office of a commissioner other than the president shall be six years. When the term of office of a commissioner other than the president expires at a time other than the last day of December, the term of office of his successor is abridged so as to expire on the last day of December preceding the time when such term would otherwise expire, and the term of office of each such commissioner thereafter appointed shall begin on the first day of January. The commissioners shall be appointed by the governor, by and with the advice and consent of the senate. (*As amended by chapter 137 of the Laws of 1901, chapter 330 of the Laws of 1904, and chapter 490 of the Laws of 1905.*)

§ 4. Office and clerical force of commission; medical inspector. —The commission shall be provided by the proper authorities with a suitably furnished office in the state capitol, where it shall hold stated meetings, at least once in three months. It may hold other meetings, at such office or elsewhere, as it may deem necessary. It may employ a secretary, a stenographer and such other employes as may be necessary. The salaries and reasonable expenses of the commission and of the necessary clerical assistants shall be paid by the treasurer of the state on the warrant of the comptroller, out of any moneys appropriated for the support of the insane. The commission in lunacy may also appoint a medical inspector, who shall be a well educated physician, a graduate of an incorporated medical college, and who shall have had actual experience in an institution for the care and treatment of the insane. Such inspector shall receive an annual salary to be fixed by the commission subject to the approval in writing of the governor and the action of the legislature,

not to exceed five thousand dollars, and all his actual and necessary traveling expenses incurred by him in the performance of his duties, which shall be audited and paid in the same manner as the other expenses of the commission. He shall, subject to the direction of the commission, visit and inspect the several state hospitals and other institutions for the insane which are subject to the supervision, visitation and inspection of the commission. He shall, subject to the direction of the commission, make an examination, so far as circumstances may permit, of the patients confined in such hospitals and institutions, especially those admitted thereto since his preceding visit, giving such as may request it suitable opportunity to converse with him apart from the officers and attendants. He shall perform such other duties as may be prescribed and directed by the commission. (*As amended by chapter 221 of the Laws of 1903, and chapter 490 of the Laws of 1905.*)

§ 5. Official seal and execution of papers.—The commission shall have an official seal. Every process, order or other paper issued or executed by the commission, may, by the direction of the commission, be attested, under its seal, by its secretary or by any member of the commission, and when so attested shall be deemed to be duly executed by the commission.

§ 6. General powers.—The commission is charged with the execution of the laws relating to the custody, care and treatment of the insane, as provided in this act not including feeble-minded persons and epileptics as such and idiots. They shall examine all institutions, public and private, authorized by law to receive and care for the insane, and inquire into their methods of government and the management of all such persons therein. They shall examine into the condition of all buildings, grounds and other property connected with any such institution, and into all matters relating to its management. For such purpose each commissioner shall have free access to the grounds, buildings and all books and papers relating to any such institution. All persons connected with any such institution shall give such information, and afford such facilities for any such examination or inquiry as the commissioners may require. The commission may, by order, appoint a competent person to examine the books, papers and accounts, and also into the general condition and management of

any institution to the extent deemed necessary and specified in the order. The commission may endeavor to secure legislation from congress to provide more effectually for the removal of alien and nonresident insane and may expend a reasonable sum therefor from the moneys appropriated for the use of the hospitals. The commission may permit any religious or missionary corporation or society to erect a building on the grounds of any state hospital, for the holding of religious services, to be used exclusively for the benefit of the inmates and employees of the state hospital, subject to such conditions as may be imposed by the commission. (*As amended by chapter 380 of the Laws of 1900, and chapter 107 of the Laws of 1906.*)

§ 6-a. General powers as to state hospitals.—The commission shall, subject to the powers hereinafter granted to boards of managers:

1. Have the general oversight of the state hospitals, and the control of all the property thereof, and shall see that the purposes of such hospitals are carried into effect by the boards of managers according to law. (*Added by chapter 26 of the Laws of 1902, and amended by chapter 490 of the Laws of 1905.*)

§ 7. Official visits.—The commission, or a majority thereof, shall visit every such state hospital jointly or by a majority of the commission and every such private institution by one member of the commission at least twice in each calendar year. Such visits shall be made on such days and at such hours of the day or night, and for such length of time, as the visiting commissioner may choose. But each commissioner may make such other visits as he or the commission may deem necessary. Each visit shall include, to the fullest extent deemed necessary, an inspection of every part of each institution, and all the out-houses, places, buildings and grounds belonging thereto or used in connection therewith. The commissioners shall, from time to time, make an examination of all the records and methods of administration, the general and special dietary, the stores and methods of supply, and, as far as circumstances may permit, of every patient confined therein, especially those admitted since the preceding visit, giving such as may require it suitable opportunity to converse with the commissioners apart from the officers and attendants. They shall, as far as they deem necessary, ex-



amine the officers, attendants and other employes, and make such inquiries as will determine their fitness for their respective duties. At the next regular or special meeting of the commission, after any such visit, the visiting commissioners shall report the result thereof, with such recommendations for the better management or improvement of any such institution, as they may deem necessary. But such recommendations shall not be contrary to the doctrines of the particular school of medicine adopted by such institutions. The commissioners shall, at least once each year, at a time to be appointed by the commission, meet the managers of such institutions, or as many of the number as practicable, in conference, and consider, in detail, all questions of management and improvement of the institution, and they or one or more of them with the managers shall inspect the institution or such parts thereof as they may deem necessary and shall also send to the managers, in writing, if approved by a majority of the commissioners, such recommendations in regard to the management and improvement of the institution as they may deem necessary or desirable. (*As amended by chapter 380 of the Laws of 1900, and chapter 490 of the Laws of 1905.*)

§ 7-a. Visitation and inspection of certain institutions.—Any member of the commission or the medical inspector may visit any sanitarium or other institution, wherein sick or infirm persons are received, cared for or treated, for compensation or hire, for the purpose of ascertaining whether insane persons are confined therein without authority, and contrary to the provisions of law. All persons having charge of, and connected with, any such sanitarium or institution shall permit any member of the commission and the medical inspector to have free access to any portion thereof, and shall give such information and afford such facilities for inspection or inquiry, as the member of the commission, or the medical inspector, making such visit and inspection, may require. (*Added by chapter 497 of the Laws of 1905.*)

§ 8. Regulations and forms.—The commission shall make such regulations in regard to the correspondence of the insane in custody as in its judgment will promote their interests, and it shall be the duty of the proper authorities of each institution to comply with and enforce such rules and regulations. All such insane

shall be allowed to correspond without restriction with the county judge and district attorney of the county from which they were committed. The books of record and blank forms for the official use of the hospitals shall be uniform, and shall be approved by the commission.

§ 9. Annual report.—The commission shall, annually, report to the legislature its acts and proceedings for the year ending September thirtieth last preceding, with such facts in regard to the management of the institutions for the insane as it may deem necessary for the information of the legislature, including estimates of the amounts required for the use of the state hospitals and the reasons therefor; and also the annual reports made to the commission by the board of managers, of each state hospital and by the state charities aid association. The commission shall determine from time to time the capacity of each of the state hospitals and shall incorporate a statement of such capacity in its annual report to the legislature. (*As amended by chapter 380 of the Laws of 1900, chapter 26 of the Laws of 1902, and chapter 490 of the Laws of 1905.*)

§ 10. State hospital districts; how defined. —The state commission in lunacy shall divide the state into as many state hospital districts as there are state hospitals. No county shall be divided in such classification, unless more than one of the existing state hospitals be situated within such county. Whenever the commission shall deem it necessary to more conveniently care for the insane in the various hospitals, it may change the limits of such hospital districts. When a new state hospital shall be established it shall again divide the state into hospital districts. Before any change or reestablishment of hospital districts shall be made, the board of managers of each hospital to be affected thereby shall be notified by the commission that they may be heard in regard thereto, at a time and place to be specified in said notice. Such hospital districts shall be so defined that the number of patients in each district shall be in proportion, as nearly as practicable, to the accommodations which are or may be provided by the state hospital or hospitals within such district. The commission may provide for the commitment of patients from any part of the city of New York to any state hospital located in the city of New York, or to the Kings park state hospital, or to the Central Islip

state hospital. (*As amended by chapter 634 of the Laws of 1900, chapter 26 of the Laws of 1902, and chapter 490 of the Laws of 1905.*)

§ 11. Change of hospital districts and reassignment of patients.—When a change or reestablishment of state hospital district shall be made, or a new state hospital district created, the commission shall make a report thereof, designating the counties included within each district affected thereby, and file the same with the secretary of state, and send a copy to the managers and superintendent of each state hospital affected by such change and to each judge of a court of record, each county superintendent of the poor, and each county clerk in the state, affected by such change, to be filed in his office. (*As amended by chapter 26 of the Laws of 1902, and chapter 490 of the Laws of 1905.*)

§ 12. Record of medical examiners.—Any physician who receives a certificate as a medical examiner in lunacy shall file such original certificate in the office of the clerk of the county where he resides, and forward a certified copy thereof to the office of the commission within ten days after such certificate is granted. The commission shall keep in its office a record showing the name, residence and certificate of each duly qualified medical examiner, and shall immediately file in its office, when received each duly certified copy of a medical examiner's certificate, and advise the examiner of its receipt and filing. No examiner shall be qualified until he has received from the commission an acknowledgment of the receipt and filing of his certificate.

§ 13. Record of patients.—The commission shall keep in its office, and accessible only to the commissioners, their secretary and clerk, except by the consent of the commission or one of its members, or an order of a judge of a court of record, a record showing:

1. The name, residence, sex, age, nativity, occupation, civil condition and date of commitment of every patient in custody in the several institutions for the care and treatment of insane persons in the state, and the name and residence of the person making the petition for commitment, and of the persons signing such medical certificate, and of the judge making the order of commitment.

2. The name of the institution where each patient is confined, the date of admission, and whether brought from home or another institution, and if from another institution, the name of such institution, by whom brought, and the patient's condition.

3. The date of the discharge of each patient from such institution since the fifteenth day of May, eighteen hundred and eighty-nine, and whether recovered, improved or unimproved, and to whose care committed.

4. If transferred, for what cause, and to what institution; and if dead, the date and cause of death.

§ 14. Institutions to furnish information to commission.—The authorities of the several institutions for the insane shall furnish to the commission the facts mentioned in the last preceding section, and such other obtainable facts relating thereto as the commission may, from time to time, in the just and reasonable discharge of its duties, require of them, with the opinion of the superintendent thereon, if requested. The superintendent or person in charge of such institutions, whether public or private, must, within ten days after the admission of an insane person thereto, cause a true copy of the medical certificate and order on which such person shall have been received, to be made and forwarded to the office of the commission; and when a patient shall be discharged, transferred or shall die therein, such superintendent or person in charge shall, within three days thereafter, send the information to the office of the commission, in accordance with the forms prescribed by it.

§ 15. Commission to provide for the prospective wants of the insane.—The commission shall provide sufficient accommodations for the prospective wants of the poor and indigent insane of the state. To prevent overcrowding in the state hospitals, it shall recommend to the legislature the establishment of other state hospitals, in such parts of the state as in its judgment will best meet the requirements of such insane. It shall also furnish to the legislature in each year, an estimate of the probable number of patients who will become inmates of the respective state hospitals during the year beginning October first next ensuing, and the cost of all the additional buildings and equipments, if any, which will be required to carry out the provisions of this chapter relating to the

care, custody and treatment of the poor and indigent insane of the state. No money shall be expended for the erection of additional buildings, or for unusual repairs or improvements of state hospitals, except upon plans and specifications to be approved by the commission and the governor. The cost of such buildings as are to be occupied by patients erected on the grounds of existing state hospitals, including the necessary equipment for heating, lighting, ventilating, fixtures and furniture, shall in no case exceed the proportion of five hundred and fifty dollars per capita for the patients to be accommodated therein; except that for buildings specially designed and equipped for the active medical and general care and treatment of insane patients of the acute and curable class, the cost shall not exceed the proportion of one thousand dollars per capita for the patients to be accommodated therein. No municipality of the state shall have the power to modify or change plans or specifications for the erection, repair or improvement of state hospital buildings or the plumbing or sewerage connected therewith. The commission may secure a blanket policy of insurance covering any or all of the buildings, property or fixtures of the state hospitals. (*As amended by chapters 380 and 634 of the Laws of 1900, chapter 26 of the Laws of 1902, chapter 490 of the Laws of 1905, and chapter 284 of the Laws of 1906.*)

§ 16. Director of pathological institute.—The commission shall, after a special civil service examination therefor, appoint a director of the pathological institute, who shall perform, under the direction of the commission, such duties relating to pathological research as may be required for all of the state hospitals for the insane. His office and laboratory shall be in the city of New York. He shall receive an annual salary to be fixed by the commission, subject to the approval of the governor. The state hospitals shall co-operate with the pathological institute in such manner as the commission may from time to time direct. (*As amended by chapter 490 of the Laws of 1905.*)

§ 17. Hospital attorneys.—The commission shall appoint an attorney for each state hospital outside the city of New York and the county of Suffolk, and one attorney who shall act as such for the Manhattan state hospital, and the Central Islip state hospital, and one attorney who shall act as such for the Long Island state hospital, and the Kings Park state hospital.

Each such attorney shall conduct all of the legal business required to be done for or on account of the hospital or hospitals, for which he is appointed, at a stated sum to be fixed by the commission, and which shall be charged upon the maintenance account, and paid in the same manner as other expenses of the hospital. (*Added by chapter 830 of the Laws of 1900, and amended by chapter 490 of the Laws of 1905.*)

§ 18. Board of alienists for examination of insane, idiotic, imbecile and epileptic immigrants, alien and nonresident insane; power and duties.—A board of alienists for the examination of insane, idiotic, imbecile and epileptic immigrants, alien and nonresident insane is hereby established. Such board shall consist of three examiners to be appointed by the commission in lunacy, one of whom shall be designated by the commission as chief examiner. Each examiner shall be a reputable physician, a graduate of an incorporated medical college, of at least ten years' actual experience in the practice of his profession, and of at least five years' experience in the care and treatment of the committed insane in the New York state hospitals. Each examiner shall receive an annual salary of five thousand dollars, to be paid in the same manner as the salaries of the assistants and clerks of the commission in lunacy. The members of such board shall hold office during good behavior, and be removable by the commission for cause, after an opportunity to be heard has been given. Each of such examiners shall devote his entire time to the performance of the duties of the board and while engaged therein shall reside at the port of New York. The commission in lunacy shall endeavor to arrange for the proper accommodation of such board with the proper authorities of the United States having control of the inspection and examination of immigrants at the port of New York and for official recognition of such board for carrying out the purposes of this section. Arrangements may be made by the commission in lunacy for suitable offices in the city of New York for the accommodation of such board, and the employment of such other persons as may be deemed necessary by them for the proper carrying into effect of the provisions and intent of this section. Such board shall inspect and examine immigrants coming into this country at the port of New York for the purpose of ascertaining whether any of them be insane, idiotic, imbecile or epileptic, and all alien and nonresident insane in the

state hospitals and public institutions who are or who become public charges, for the purpose of determining whether they are suitable cases for deportation or removal. The superintendents of such hospitals and public institutions shall notify such board of all such cases coming under their jurisdiction and furnish all aid and information possible to accomplish the deportation and removal of such aliens and nonresidents. The board shall notify the proper authorities of the United States having control of the enforcement of the immigration laws at such port of such immigrants as are found to be insane, idiotic, imbecile, or epileptic, and such insane aliens as are or become public charges and shall arrange for their deportation in accordance with the provisions of such laws. And in the case of nonresidents they shall notify the state commission in lunacy of the location of the same and in all suitable cases the commission shall grant the board the necessary authority for the investigation and removal of such non-resident insane. The duties hereby imposed upon such board shall be performed under the supervision of the commission in lunacy, and in accordance with rules adopted by it. The commission may impose such other duties on such board as it may deem necessary and proper for carrying out the general purposes and intent of this section. Each of the members of such board shall be empowered to administer an oath when necessary to persons giving information relative to cases under investigation. (*Added by chapter 326 of the Laws of 1904, and amended by chapter 296 of the Laws of 1906.*)

## ARTICLE II.

### INSTITUTIONS FOR THE CARE, TREATMENT AND CUSTODY OF THE INSANE.

**Section 30.** State hospitals for the poor and indigent insane.

31. Managers of state hospitals and their terms of office.
32. Appointment and removal of managers.
33. General powers and duties of boards of managers.
34. Officers.
35. General powers and duties of superintendent.
36. Special provisions relating to Long Island state hospital, Kings Park state hospital, Central Islip state hospital and Manhattan state hospital.

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- 37. Meetings of superintendents.**
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- 41. Monthly statement of receipts and expenditures; vouchers.**
- 42. Actions to recover moneys due the hospital.**
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- 47. Private institutions for the insane.**
- 48. Recommendations of commission.**
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- 50. Manhattan State Hospital; lease of property.**
- 51. Manhattan State Hospital; docks, ferry-boats and removal of dead bodies.**
- 52. Acquisition of property for use of state hospitals by condemnation and otherwise.**
- 53. Erection, repairs and improvements of state hospital buildings.**
- 54. Streets and railroads through hospital lands.**

**Section 30. State hospitals for the poor and indigent insane.—**  
**There shall continue to be the following hospitals for the care and treatment of the poor and indigent insane of the state which are hereby declared to be corporations; but other insane persons, who are residents of the state, may be admitted when there is room therein for them:**

- 1. Utica state hospital, in the city of Utica, in the county of Oneida.**
- 2. Willard state hospital, in the town of Ovid, in the county of Seneca.**



3. Hudson river state hospital, near the city of Poughkeepsie, in the county of Dutchess.

4. Buffalo state hospital, in the city of Buffalo, in the county of Erie.

5. Middletown state homeopathic hospital, in the city of Middletown, in the county of Orange.

6. Binghamton state hospital, in the city of Binghamton, in the county of Broome.

7. Rochester state hospital, in the city of Rochester, in the county of Monroe.

8. Saint Lawrence state hospital, in the city of Ogdensburg, in the county of Saint Lawrence.

9. Gowanda state homeopathic hospital in the town of Collins in the county of Erie.

10. Long Island state hospital, at Flatbush, in the borough of Brooklyn, in the city of New York.

11. Manhattan state hospital, on Ward's island, in the city of New York.

12. Kings Park state hospital, at Kings Park, in the county of Suffolk.

13. Central Islip state hospital, at Central Islip, in the county of Suffolk. (*As amended by chapter 490 of the Laws of 1905.*)

§ 31. Managers of state hospitals and their terms of office.— Each state hospital shall be under the control and management of a board of managers, subject to the statutory powers of the commission. On or after the first of April nineteen hundred and five the governor shall appoint a board consisting of seven members, of whom not less than two shall be women, for each state hospital. He shall so arrange their terms of office of one, two, three, four, five, six and seven years that a term shall expire on the thirty-first day of December in each year, beginning with the year nineteen hundred and five. After the expiration of such terms managers shall be appointed for terms of seven years. If a vacancy occur otherwise than by expiration of term, the appointment of a manager to fill such vacancy shall be for the unexpired term of the manager whose office became vacant. (*As amended by chapter 26 of the Laws of 1902, and chapter 490 of the Laws of 1905.*)

§ 32. Appointment and removal of managers.—The members of the boards of managers shall be appointed by the governor, by and with the advice and consent of the senate, as often as a vacancy shall occur by expiration of term, or otherwise; and they may severally continue in office until their successors are appointed and have qualified; and they shall be subject to removal by the governor after having been notified in writing of the reasons for the proposed removal, and having been given an opportunity to be heard. All managers shall reside in the hospital district in which the hospital is situated for which they are respectively appointed. At least a majority of the managers of the Central Islip state hospital, and of the Kings Park state hospital, shall be residents of the city of New York. No person shall be eligible to the office of manager who is either an elective state officer or a member of the legislature, and if any such manager shall become a member of the legislature or an elective state officer, his office as manager shall thereupon be vacant. The managers of the Middletown state homeopathic hospital and of the Gowanda state homeopathic hospital may be appointed from any portion of the state, and shall be adherents of homeopathy. If any manager fails for a period of six months to attend the regular meetings of the board of which he is a member, the secretary of the board shall notify the governor of such absence, with any explanation thereof which may be submitted by such manager, and unless the governor shall, within thirty days thereafter, notify the secretary that he has excused such manager for such absence, the office of such manager shall thereupon be deemed to be vacant; and if any manager fails for one year to attend such regular meetings, his office shall become vacant. When any such vacancy shall occur, the board by resolution shall so declare, and a certified copy of such resolution shall forthwith be transmitted by the board to the commission and to the governor. In the month of January of each year the secretary of the board of managers shall transmit to the governor a statement showing the record of attendance of each manager at meetings of the board, the number and dates of visits to the hospital, with a statement of any other work for the hospital, performed by such manager, which such manager may request to have transmitted to the governor. (*As amended by*

*chapter 481 of the Laws of 1899, chapter 26 of the Laws of 1902, and chapter 490 of the Laws of 1905.)*

§ 33. General powers and duties of boards of managers.—Subject to the statutory powers of the commission, boards of managers shall have the general direction and control of all the property and internal affairs of the institutions for which they are respectively appointed, except as otherwise provided by law. A committee consisting of one member of each board of managers, or other representative designated by such board, shall establish by-laws, rules and regulations governing the appointment and duties of officers and employes of all the state hospitals, and for the internal government, discipline and management of the same, subject to the approval of the commission. Such by-laws, rules and regulations shall be uniform for all the state hospitals, and shall not be inconsistent with the provisions of this act nor with the provisions of the civil service law and the rules and regulations established thereunder. The by-laws, rules and regulations established by the state commission in lunacy and in force on the first day of April, nineteen hundred and five, shall continue in force except as they may hereafter be modified, amended or repealed as provided by this act. The managers shall not receive any compensation for their services, but shall receive actual and necessary traveling and other expenses, to be paid after audit as other current expenditures of the hospital. Each board shall, in October of each year, elect from among its members a president and a secretary. The superintendent shall personally submit at each monthly meeting of the board of managers a report showing changes in population, health of patients, officers and employes; accidents, suicides, unusual sickness, infectious diseases; important occurrences relating to the welfare of the patients and to the management and discipline of the employes, and such other matters as the board may specify. Each board shall:

1. Take care of the general interests of the hospital and see that its design is carried into effect, according to law, and the by-laws, rules and regulations, made as above provided.
2. Maintain an effective inspection of the hospital, for which purpose the board, or a majority of its members, shall visit and inspect the hospital at least once each month. Each board shall

make a written report to the commission and to the governor within ten days after each inspection, such report to be signed by each member making the inspection. Such reports shall state in detail the condition of the hospital and of its inmates, and such other matters pertaining to the management and affairs thereof as in the opinion of the board should be brought to the attention of the commission or the governor, and may contain recommendations as to needed improvements in the hospital or in its management.

3. Keep in a book provided for that purpose, a fair and full record of their doings, which shall be open at all times to the inspection of the governor of the state, the commissioners in lunacy, or any person appointed by the governor, the commission in lunacy, or either house of the legislature to examine the same.

4. Hold regular meetings at least once each month, and cause to be typewritten within ten days after each such meeting, the minutes and proceedings of such meeting, and cause a copy thereof to be sent forthwith to each member of such board, to the commission, and to the governor.

5. Enter in a book, kept at the hospital for that purpose, the date of each visit of each manager.

6. Make to the commission, in October of each year, a detailed report of the results of their visits and inspection, with suitable suggestions and such other matters as may be required of them by the commission, for the year ending on the thirtieth day of September preceding the date of such report. Such report shall be prepared by a committee of the board, subject to the approval of the board.

7. Investigate, hear and determine the truth of all charges made against the superintendent or other officer or employe of a hospital, issue subpoenas and take and hear testimony in respect to such charges. A witness attending before such board shall be entitled to the same fees as a witness attending before a court of record or a judge thereof, which shall be paid as other hospital charges. The resident officers shall admit such managers into every part of the hospital and its buildings, and exhibit to them on demand all the books, papers, accounts and writings belonging to the hospital, or pertaining to its business, management,

discipline or government, and furnish copies, abstracts and reports whenever required by them. (*As amended by chapter 380 of the Laws of 1900, chapter 26 of the Laws of 1902, and 490 of the Laws of 1905.*)

§ 34. Officers.—The commission in lunacy, pursuant to the civil service law and the rules and regulations of the state civil service commission, shall appoint, subject to the approval of the board of managers for each hospital, as often as a vacancy shall occur therein a superintendent. Whenever a vacancy shall occur in the office of superintendent of any state hospital the commission in lunacy, with the approval of the board of managers of such hospital, may transfer to such position the superintendent of any other state hospital, subject to the civil service law, and subject to the consent of the board of managers of such other state hospital. The superintendent shall be a well educated physician and a graduate of an incorporated medical college, of at least five years' actual experience in an institution for the care and treatment of the insane. The superintendents and all assistant physicians of homeopathic hospitals for the insane shall be homeopathic physicians, but such homeopathic physicians shall not be eligible to appointment in or transfer to state hospitals that are not for homeopathic treatment. Each superintendent shall be the treasurer of the state hospital for which he is appointed, unless the commission shall designate a person to act as treasurer as hereinafter provided, and before entering upon his duties as such treasurer shall file with the comptroller of the state his undertaking to the people in an amount and with sureties to be approved by the state comptroller to the effect that he will faithfully perform his trust as such treasurer. The superintendent may be removed by a vote of a majority of the board of managers for cause stated in writing, and after an opportunity has been given him to be heard thereon, and such action, when approved by the commission, shall be final. Pending the investigation of any charges against a superintendent, and the decision thereon, the board of managers may suspend such superintendent. The commission may prefer charges of misconduct or incompetency against any superintendent to the board of managers of the hospital of which he is superintendent, and the board shall thereupon investigate the truth of such charges. On the first day of

April, nineteen hundred and two, the office of treasurer in each of the state hospitals shall be abolished, and their powers and duties may be conferred upon the superintendent, or the commission may designate a person in its office to act as treasurer for all the hospitals, who shall have the powers, and perform the duties of treasurer as to such hospital, as prescribed in this chapter, and shall perform such other duties as the commission may impose. The person so designated, before entering upon the performance of his duties as such treasurer, shall file with the comptroller his undertaking in an amount and with sureties to be approved by him, to the effect that he will faithfully perform his trust as such treasurer. A superintendent or a steward in office on the first day of April, nineteen hundred and five, shall be continued in office until removed, pursuant to law, notwithstanding the change hereby made in the manner of his appointment. (*As amended by chapter 676 of the Laws of 1900, chapter 26 of the Laws of 1902, and chapter 490 of the Laws of 1905.*)

§ 35. General powers and duties of superintendent.—The superintendent of each hospital shall be its chief executive officer, and in his absence or sickness, the first assistant physician or other officer designated by the superintendent shall perform the duties, exercise the powers and be subject to the responsibilities of the superintendent. Subject to the by-laws and regulations established by the commission and the managers under the provisions of section thirty-three of this act, the superintendent shall have general superintendence of the buildings, grounds and farm, together with their furniture, fixtures and stock, and the direction and control of all persons therein, and subject to such by-laws and regulations shall:

1. Personally maintain an effective supervision and inspection of all parts of the hospital and generally direct the care and treatment of the patients. To this end the superintendent shall personally examine the condition of each patient, within five days after his admission to the hospital, and shall regularly visit all of the wards or apartments for patients at such times as the rules and regulations of the hospital shall prescribe.

2. Appoint such resident officers including a woman physician, and such employes as he may think proper and necessary for the economical and efficient performance of the business of the hos-

pital and prescribe their duties and, for cause stated in writing, after an opportunity to be heard, discharge any of such employes in his discretion, but an appointment of a steward by such superintendent shall be approved by the commission before taking effect, and such steward shall not be removed without the consent in writing of the commission. The number of such resident officers and employes shall be determined from time to time by the commission. The commission may, with the approval of the governor, abolish the office of any of such resident officers or employes. The superintendent may remove any resident officer, for cause stated in writing, after an opportunity to be heard, and such action shall be final. Upon any such removal he shall make a record thereof, with the reasons therefor, under the appropriate head in one of the books of the hospital.

The superintendent, assistant physicians, including the woman physician, steward and matron shall constantly reside in the hospital, or on the premises, except as provided in section thirty-eight of this act, and shall be designated the resident officers of the hospital. The assistant physicians, including the woman physician, shall be graduates of an incorporated medical college, and shall possess such other qualifications as may be required by law.

3. Transmit, by mail, to the commission in lunacy, and to the president of the board of managers, within five days after any such discharge, information of such discharge, and of the cause thereof. The commission shall preserve the name of such officer, or employe, with the facts relating to his discharge, in a book provided for that purpose.

4. Designate hospital attendants or employes to act as special policemen, whose duty it shall be, under the orders of the superintendent, to arrest and return to the hospital insane persons who may escape therefrom, and to preserve peace and good order in such hospital and to fully protect the grounds, buildings and patients. Such attendants and employes, acting as policemen, shall possess all the powers of peace officers on the grounds and premises of such hospital and to the extent of one hundred yards beyond such grounds. The designation of such attendants and employes as special policemen, in pursuance hereof, shall not

be deemed to supersede, on the grounds and premises of such hospital, the authority of peace officers of the jurisdiction within which such hospital is located.

5. Give such orders and instructions as he may deem best calculated to insure good conduct, fidelity and economy in every department of labor and expense.

6. Maintain salutary discipline among all who are employed in the institution and enforce strict compliance with his instructions and uniform obedience to all rules and regulations of the hospital.

7. Establish and supervise a training school for attendants and nurses, under rules and regulations of the hospital.

8. The superintendent shall hold at least two meetings weekly with the medical staff, at which the condition of patients, especially those recently admitted, shall be considered, and matters of medical service generally shall be given attention. The superintendent shall cause a complete clinical record to be made of each patient, to be kept in such form and to comprise such matters as the commission may direct.

9. Cause full and fair accounts and records of the entire business and operation of the hospital, to be kept regularly, from day to day, in books provided for that purpose.

10. See that all such accounts and records are fully made up to the last day of September in each year, and that the principal facts and results, with his report thereon, be presented to the board of managers within thirty days thereafter, who shall incorporate it in their report to the commission. The commission may prescribe the form of and the subjects to be embraced in such reports. Such superintendent shall make other reports at such times, in such manner and in respect to such matters as the board of managers or the commission may direct.

11. Keep a book, in which he shall cause to be entered at the time of reception of any patient, his name, residence and occupation, and the date of such reception, by whom brought and by what authority and on whose petition committed, and an abstract of all orders, warrants, requests, petitions, certificates and other papers accompanying such person. (*As amended by chapter 26 of the Laws of 1902, and chapter 490 of the Laws of 1905.*)



§ 36. Special provisions relating to Long Island state hospital, Kings Park state hospital, Central Islip state hospital, and Manhattan state hospital.—The hospital heretofore known as the Long Island state hospital is divided into two parts. The part located at Kings Park shall be known as Kings Park state hospital; the part located at Flatbush in the borough of Brooklyn, city of New York, shall be known as Long Island state hospital. The hospital heretofore known as the Manhattan state hospital is divided into two parts. The part located on Ward's island, in the city of New York shall be known as the Manhattan state hospital. The part located at Central Islip shall be known as Central Islip state hospital. Each part of each of such hospitals shall, except as otherwise provided in this act, be deemed a separate and independent state hospital and all the provisions of this chapter relating to the management, maintenance and control of state hospitals and the appointment of resident officers, attendants and employes therein shall apply to each such state hospital. Patients shall be committed to and received at the Long Island state hospital, the Kings Park state hospital, the Central Islip state hospital, and the Manhattan state hospital, in accordance with rules to be established by the state commission in lunacy. The commission may also adopt rules regulating the transfer of such patients from one to another of such hospitals. The superintendent of the Manhattan state hospital, west, in office when this act takes effect, shall at such time become the superintendent of the Manhattan state hospital, and shall continue as such until removed as provided by law. (*As amended by chapter 634 of the Laws of 1900, chapters 26 and 599 of the Laws of 1902, and chapter 490 of the Laws of 1905.*)

§ 36-a. Purchasing steward for Long Island state hospital, Kings Park state hospital, Manhattan state hospital, and Central Islip state hospital.—The office of purchasing steward for the Long Island state hospital, Kings Park state hospital, Manhattan state hospital and Central Islip state hospital, as heretofore established by the commission, is hereby continued. The purchasing steward for such hospitals shall be appointed by the commission, and may be removed by it for cause stated in writing, after an opportunity to be heard, and such action shall be final. The pur-

chasing steward in office on the first day of April, nineteen hundred and five, shall be continued in office until removed, pursuant to law or until a vacancy shall otherwise occur in such office and his successor is appointed and has qualified as provided by law. Such purchasing steward shall make all purchases for each of such hospitals, in accordance with estimates made as provided by this chapter, after a requisition therefor, approved by the superintendent of the hospital for which such purchases are required. He shall visit the hospitals for which he acts from time to time, and confer with the superintendents and resident stewards thereof as to the quantity, quality and price of supplies required therefor. He shall perform such other duties in respect to the purchase of supplies for such hospitals as may be prescribed by the commission. A resident steward for each of such hospitals, except for the Manhattan state hospital, shall be appointed in the same manner as steward of other state hospitals, and shall possess all the powers and perform all the duties conferred or imposed upon stewards of state hospitals by this chapter, except as herein otherwise provided. Such purchasing steward shall be, by virtue of his office, the steward of the Manhattan state hospital, and as to such hospital shall possess the powers, perform the duties, and be subject to the obligations of a steward, as prescribed by this chapter, and an assistant steward for the Manhattan state hospital, to aid the steward in the performance of his duties, shall be appointed in the same manner as the stewards of other state hospitals. Such purchasing steward shall have an office in the city of New York, and may appoint such clerks and assistants as may be authorized by the commission. The salaries of such purchasing steward and of such clerks and assistants shall be fixed by the commission in the same manner as those of other officers and employees. Such salaries, together with the necessary office, traveling and other expenses of such purchasing steward, actually incurred by him in the performance of his duties, shall be paid by the hospitals for which he acts, to be apportioned by the commission. (*Added by chapter 490 of the Laws of 1905.*)

§ 37. Meetings of superintendents.—The superintendents or other officers of the several state hospitals designated by them shall meet, at least once in every three months, upon the call of the

commission, at the office of the commission at Albany, or at such other place as may be designated by it, to consult with such commission with reference to matters relating to the care and operations of the state hospitals, and particularly with reference to the care and treatment of the insane. Each board of managers may, in its discretion, send one of its members to such meetings. (*As amended by chapters 380 and 634 of the Laws of 1900, chapter 26 of the Laws of 1902, and chapter 490 of the Laws of 1905.*)

§ 38. Salaries of officers and wages of employes.—The commission, from time to time, with the approval in writing of the governor, secretary of state and comptroller, shall fix the annual salaries of the resident officers of the state hospitals, which shall be uniform for like service. They shall classify the other officers and employes into grades, and, except as provided by section thirty-eight-a of this chapter, shall determine the salaries and wages to be paid in each grade, which shall be uniform in all the hospitals. The salaries and wages shall be included in the estimates and paid in the same manner as other expenses of the state hospitals. Food supplies shall be allowed to officers and employes and the families of the superintendents, first assistant physicians and stewards. Food supplies shall continue to be allowed the families of the assistant physicians residing at the hospitals on May first, nineteen hundred and four. Such families shall consist only of the wives and minor children of such officers; no other persons, except those regularly employed, shall be allowed rooms and maintenance, except at a rate to be fixed by the commission; such supplies shall be drawn from the supplies provided for general hospital use. With the approval of the commission, officers or employes of state hospitals may be permitted to live outside of such hospitals, and shall receive such sums in lieu of the quarters or supplies furnished by the hospitals, as may be equitable. (*As amended by chapter 380 of the Laws of 1900, chapter 26, of the Laws of 1902 and chapter 714 of the Laws of 1904.*)

§ 38-a. Salaries of certain officers and wages of certain employes prescribed.—The officers or employes of the state hospitals now or hereafter classified as occupying offices or positions specified in the schedule at the end of this section shall hereafter receive the salaries or wages per month indicated opposite the

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name or title of such office or position, except that where a minimum and maximum rate per month is prescribed, advancement from the minimum to the maximum rate shall be in accordance with the length of service, as prescribed in such schedule. If a minimum and maximum rate per month is not prescribed in such schedule, the salary or wages per month of such officer or employee shall be the amount indicated opposite the name or title of such office or position. Where an increase of salary or wages is allowed at a certain rate per month or otherwise for continuous service, continuous service performed before this section takes effect in the same position or employment, shall be deemed a part of the continuous service in determining the salary or wages to which such officer or employee shall be entitled under this section.

### SCHEDULE OF SALARIES AND WAGES.

#### I.

##### ADMINISTRATION DEPARTMENT.

Position.	Wages per month.	
	Minimum.	Maximum.
Man stenographer. . . . .	\$62 50	\$75 00
Women stenographers. . . . .	50 00	62 50
Watchmen. . . . .	.....	43 75
Policemen. . . . .	.....	43 75
Barbers. . . . .	37 50	50 00
Coachman. . . . .	50 00	56 25
Drivers. . . . .	.....	31 25
Pages and messenger boys. . . . .	17 50	22 50

Increase of wages from minimum to maximum shall be made at the rate of two dollars per month for each year of continuous service.

#### II.

##### FINANCIAL DEPARTMENT.

Position.	Wages per month.	
	Minimum.	Maximum.
Bookkeeper. . . . .	\$87 50	\$100 00
Accountant. . . . .	75 00	87 50
Voucher and treasurer's clerk. . . . .	50 00	62 50
Storekeeper. . . . .	50 00	62 50
Man stenographer. . . . .	62 50	75 00
Woman stenographer. . . . .	50 00	62 50

Increase of wages from minimum to maximum shall be at the rate of two dollars per month for each year of continuous service. When a telegraph office is maintained in an institution an extra compensation of ten dollars per month shall be allowed to the person performing the service of operator.

## III.

## SUPERVISOR.

Position.	Wages per month.	
	Minimum.	Maximum.
1. Chief supervisors, men. ....	\$50 00	\$62 50
2. Chief supervisors, women. ....	43 75	56 25
3. Supervisors, men. . . . .	43 75	56 25
4. Supervisors, women. . . . .	37 50	50 00

Increase of wages from minimum to maximum shall be at the rate of one dollar per month for each six months of continuous service.

## IV.

## NURSES AND ATTENDANTS.

Position.	Wages per month.	
	Minimum.	Maximum.
1. Charge nurses, men. ....	\$35 00	\$41 25
2. Charge nurses, women. ....	28 75	35 00
3. Nurses, men. . . . .	31 25	37 50
4. Nurses, women. . . . .	25 00	31 25
5. Charge attendants, men. ....	31 25	37 50
6. Charge attendants, women. ....	25 00	31 25
7. Attendants, men. . . . .	22 00	30 00
8. Attendants, women. . . . .	16 00	22 50
9. Special attendants, men. ....	37 50	43 75
10. Special attendants, women. ....	31 25	37 50
11. Dining-room attendants, women. ....	17 50	22 50
12. Ward helpers, women. ....	.....	15 00

Increase of wages from minimum to maximum shall be at the rate of one dollar per month for each six months of continuous service. An attendant or nurse performing night service for a period of one month succeeding the first day of the month shall be entitled to one dollar per month in addition to regular wages. All attendants and all special attendants whether in immediate

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charge of patients or otherwise shall receive at least the wages designated in the above table.

### V.

#### DOMESTIC SERVICE.

Position.	Wages per month.	
	Minimum.	Maximum.
Housekeepers. . . . .	\$31 25	\$37 50
Waitresses and chambermaids. . . . .	16 25	21 25

Increase of wages from minimum to maximum shall be at the rate of one dollar per month for each year of continuous service.

### VI.

#### KITCHEN SERVICE.

Position.	Wages per month.	
	Minimum.	Maximum.
Chefs, men. . . . .		\$93 75
Head cooks, men. . . . .		50 00
Head cooks, women. . . . .		50 00
Cooks, men. . . . .		31 25
Cooks, women. . . . .		31 25
Assistant cooks, women. . . . .		25 00
Kitchen helpers, men. . . . .	\$25 00	30 00
Kitchen helpers, women. . . . .	17 50	22 50

The wages of kitchen helpers shall be increased from minimum to maximum at the rate of one dollar per month for each six months of continuous service.

### VII.

#### BAKERY SERVICE.

Position.	Wages per month.	
	Minimum.	Maximum.
Baker. . . . .		\$62 50
Assistant baker. . . . .		43 75
Bakers' helpers. . . . .	\$25 00	31 25

Increase of wages of bakers' helpers from minimum to maximum shall be at the rate of one dollar per month for each year of continuous service.

## VIII.

## MEAT CUTTERS.

Position.	Wages per month.
Meat cutters. . . . .	\$50 00

In institutions having a population of over two thousand patients, the meat cutters shall receive sixty-two dollars and fifty cents per month.

## IX.

## LAUNDRY SERVICE.

Position.	Wages per month.
Laundry overseer. . . . .	\$62 50
Launderers. . . . .	31 25
Head laundress. . . . .	31 25
Laundresses. . . . .	18 75

## X.

## ENGINEER'S DEPARTMENT.

Position.	Wages per month.	
	Minimum.	Maximum.
Chief engineer. . . . .		\$125 00
Engineer's assistants, first grade. . . . .		75 00
Engineer's assistants, second grade. . . . .		62 50
Engineer's assistants, third grade. . . . .		50 00
Electrical engineer. . . . .		93 75
Electrical engineer's assistants, first grade. . . . .		75 00
Electrical engineer's assistants, second grade. . . . .		62 50
Electrical engineer's assistants, third grade. . . . .		50 00
Linemen . . . . .		43 75
Plumbers and steam-fitters. . . . .		75 00
Plumbers and steam-fitters' helpers. . . . .	\$26 25	37 50
Firemen, eight-hour shifts. . . . .		37 50
Firemen, twelve-hour shifts. . . . .		50 00

Plumbers and steam-fitters' helpers shall receive an increase from minimum to maximum at the rate of three dollars per month for each year of continuous service.

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**XI.**

**BUILDING DEPARTMENT.**

<b>Position.</b>	<b>Wages per month.</b>
<b>Master mechanic. . . . .</b>	<b>\$125 00</b>
<b>Head carpenter. . . . .</b>	<b>75 00</b>
<b>Carpenters. . . . .</b>	<b>62 50</b>
<b>Painters. . . . .</b>	<b>62 50</b>
<b>Blacksmiths. . . . .</b>	<b>62 50</b>

**XII.**

**INDUSTRIAL DEPARTMENT.**

<b>Position.</b>	<b>Wages per month.</b>	
	<b>Minimum.</b>	<b>Maximum.</b>
<b>Shop foreman. . . . .</b>	<b>.....</b>	<b>\$56 25</b>
<b>Tailor. . . . .</b>	<b>\$50 00</b>	<b>56 25</b>
<b>Shoemaker. . . . .</b>	<b>50 00</b>	<b>56 25</b>

Increase of wages of tailor and shoemaker from minimum to maximum shall be at the rate of one dollar per month for each year of continuous service.

**XIII.**

**PRINTING AND BOOKBINDING DEPARTMENT.**

<b>Position.</b>	<b>Wages per month.</b>
<b>Foreman. . . . .</b>	<b>\$75 00</b>
<b>Printer. . . . .</b>	<b>62 50</b>
<b>Bookbinder. . . . .</b>	<b>62 50</b>

An employe who in addition to his other duties performs the duty of proofreader in the printing and bookbinding department, shall receive an additional compensation of twenty-five dollars per month. The bookkeeper who keeps the accounts of the printing and bookbinding department shall receive an additional compensation of twenty dollars per month.



## XIV.

## FARMS AND GROUNDS DEPARTMENT.

Position.	Wages per month.	
	Minimum.	Maximum.
Head farmer. . . . .	\$56 25	\$62 50
Dairyman. . . . .	43 75	50 00
Farmers. . . . .	31 25	37 50
Herdsmen. . . . .	31 25	37 50
Gardeners. . . . .	43 75	50 00
Florists. . . . .	50 00	56 25
Drivers. . . . .	.....	31 25
Laborers. . . . .	.....	25 00

Increase of wages from minimum to maximum shall be at the rate of one dollar per month for each year of continuous service. (*Added by chapter 714 of the Laws of 1904.*)

§ 39. Quarterly estimate of expenses; emergency fund.—The superintendent of each of the state hospitals shall, once in each three months as the commission may determine, cause to be prepared triplicate estimates in minute detail, of the expenses required for the hospital of which he is the superintendent, for the ensuing three months. He shall submit two of such triplicates to the commission and file the third copy in the office of the superintendent. The commission may revise estimates for supplies or other expenditures either as to quantity, quality, or the estimated cost thereof, and shall certify that it has carefully examined the same and that the articles contained in such estimates, as approved or revised by it, are actually required for the use of the hospital, and shall thereupon present such estimate and certificate to the comptroller. Upon the revision and approval of such estimate by the commission, the comptroller shall authorize the superintendent as treasurer, or such other officer as the commission may designate as provided in this chapter, to make drafts on the comptroller, as the money may be required for the purposes mentioned in such estimates, which drafts shall be paid on the warrant of the comptroller, out of the funds in the treasury of the state held for the care of the insane and the maintenance of state hospitals. In every such estimate, there shall be a sum named, not to exceed one thousand dollars, as an

emergency fund for which no minute detailed statement need be made. No money shall be expended for the use of any of the state hospitals, except as provided in this section. And except that a sum not exceeding two thousand dollars may, when authorized by the comptroller, be set apart by the commission to each hospital as a commutation ticket fund, to be used under the direction and control of the superintendent, for the purchase of commutation tickets. Such tickets shall be sold at cost under the direction of the superintendent for the use of the hospital. The amount received from the sale of such tickets shall be paid into such fund and shall be available for the purchase of additional tickets as above provided. Libraries may be furnished to any state hospital by the regents of the university of the state of New York, subject to the regulations adopted by them and the commission, the expense of which shall be included in the quarterly estimates of the hospitals. Any general expenses necessarily incurred by the commission for or on account of the state hospitals shall be apportioned to such hospitals on the basis of the number of patients, and included in the estimates of such hospitals, made as provided in this section under the direction of the commission. (*As amended by chapter 380 of the Laws of 1900, chapter 26 of the Laws of 1902, and chapter 490 of the Laws of 1905.*)

§ 40. Powers and duties of superintendent as treasurer.—The superintendent, as treasurer of such hospital, or such officer as may be designated as treasurer by the commission as provided in this chapter, shall, subject to the rules and regulations of the commission, pertaining to his duties as treasurer:

1. Have the custody of all moneys received from the comptroller on account of estimates made by the superintendent and revised and approved by the commission, and keep an accurate account thereof.

2. Have the custody of all bonds, notes, mortgages and other securities and obligations belonging to the hospital.

3. Receive all money for the care and treatment of private and reimbursing patients and other sources of revenue of the hospital; but where a designation of a person as treasurer is made as provided by this chapter, the steward shall receive all

such money and transmit the same, once each week, to the person so designated as treasurer, and report the amount so transmitted to the superintendent.

4. Deposit all money received from the comptroller on account of estimates in a bank designated by the comptroller, in his name as treasurer, and send each month to the comptroller and to the commission a statement, showing the amount so received and deposited, and from whom and for what received, and when such deposits were made. Such statement of deposit shall be certified by the proper officer of the bank receiving such deposit. The superintendent as treasurer, or other officer designated as treasurer by the commission, as provided in this chapter, shall make an affidavit to the effect that the sum so deposited is all the money received by him, from any source of hospital income up to the time of the last deposit appearing on such statement. A bank designated by the comptroller to receive such deposits shall, before any deposit is made, execute a bond to the people of the state, in a sum approved by the comptroller, for the safe keeping of the funds deposited.

5. Pay out the money deposited for the uses of the state hospital, upon the voucher of the steward; where a person has been designated as treasurer, as provided in this chapter, such voucher shall be countersigned by the superintendent.

6. Keep full and accurate accounts of all receipts and payments, in the manner and according to books and forms prescribed and furnished by the commission.

7. Balance all accounts on his books, annually, for the year ending on the last day of September, and make a statement thereof and an abstract of the receipts and payments of the past year and deliver the same, within thirty days, to the commission.

8. Render an account of the state of the books and the funds and other property in his custody, whenever required by the commission.

9. Execute a release and satisfaction of a mortgage, judgment or other lien or debt in favor of the hospital, when paid.

10. Receive all moneys for or on account of the sale of lands of the hospital, of which he is the treasurer. (*Added by chapter 380 of the Laws of 1900.*)

*(As amended by chapter 26 of the Laws of 1902, and chapter 490 of the Laws of 1905.)*

§ 41. Monthly statements of receipts and expenditures; vouchers.—The superintendent as treasurer of each state hospital or such other officer as may be designated as treasurer by the commission, as provided in this chapter, shall, on or before the fifteenth day of each month, make to the comptroller and to the commission a full and perfect statement of all the receipts and expenditures, specifying the several items, for the last preceding calendar month. Such statement shall be verified by the affidavit of the treasurer attached thereto, in the following form:

I, ..... treasurer of the ..... state hospital, do solemnly aver that I have deposited in the bank designated by law for such purpose, all the moneys received by me on account of the hospital during the last month, and I do further swear that the foregoing is a true abstract of all the moneys received and payments made by me or under my direction as such treasurer during the month ending on the ..... day of ..... 19 .

There shall also be forwarded to the commission the affidavit of the steward, to the effect that all goods and other articles for which vouchers are rendered were purchased and received by him, or under his direction, at the hospital; that the goods were purchased at a fair cash market price and paid for in cash, or on credit, not exceeding sixty days, and that he or any person in his behalf, had no pecuniary or other interest in the articles purchased; that he received no pecuniary or other benefit therefrom in the way of commission, percentage, deductions or presents, or in any other manner whatever, directly or indirectly; that the articles for which vouchers are rendered were received at the hospital; that they were conformed in all respects to the invoiced goods received and ordered by him, both in quality and quantity. Such vouchers shall be examined by the commission and compared with the estimates made for the month for which the statement is rendered, and if found correct shall be endorsed and forwarded by the commission, with the statement to the comptroller. If any voucher is found objectionable, the comptroller shall endorse his disapproval thereon, with the reason therefor,

and return it to the commission, who shall present it to the superintendent for correction, and when corrected return it to the comptroller. All such vouchers shall be filed in the office of the comptroller. (*As amended by chapters 26 and 130 of the Laws of 1903, and chapter 490 of the Laws of 1905.*)

§ 42. Action to recover moneys due the hospital.—The superintendent of any state hospital may bring an action in the name of the hospital, to recover for the use thereof:

1. The amount due upon any note or bond in his hands belonging to the hospital.

2. The amount charged and due, according to the by-laws of the hospital, for the support of any patient therein, or for actual disbursements made in his behalf for necessary clothing and traveling expenses, and to enforce any liability created by statute for the care and support of the insane.

3. Upon any cause of action accruing to the hospital.—

(*As amended by chapter 380 of the Laws of 1900, chapter 26 of the Laws of 1902 and chapter 490 of the Laws of 1905.*)

§ 43. General powers and duties of the steward.—The steward, under the direction of the superintendent, and subject to the rules and regulations of the hospital, shall be accountable for the careful keeping and economical use of all furniture, stores and other articles provided for the hospital, and under the direction of the superintendent, and subject to such rules and regulations, shall:

1. Make all purchases for the hospital, except as otherwise provided in this chapter, and preserve the original bills and receipts thereof, and keep full and accurate accounts of the same.

2. Prepare and keep the pay-rolls of the hospital.

3. Keep the accounts for the support of patients and expenses incurred in their behalf, and furnish the treasurer statements thereof as they fall due.

4. Notify the treasurer of the death or discharge of any reimbursing or pay patient, within five days after such death or discharge.

(*As amended by chapter 26 of the Laws of 1902, and chapter 490 of the Laws of 1905.*)

§ 44. Purchases and contracts.—All purchases of supplies for the use of the hospital shall be made for cash or on credit or time, not exceeding sixty days; every voucher shall be duly filled up,

and with every abstract of vouchers paid, there shall be proof on oath that the voucher was properly filled up and the money paid. No expenditure for supplies or other purposes shall be made for the benefit of such hospital, by contract or otherwise, unless in conformity with the provisions of this act in relation to estimates. No member of the commission, manager or officer of a hospital shall be interested, directly or indirectly, in the furnishing of material, labor or supplies for the use of the hospital, nor shall any such manager or officer act as attorney or counsel for such hospital. Contracts subject to the approval of the commission shall be entered into jointly, by the stewards of the state hospitals for such staple articles of supplies, as it may be found feasible by the commission to purchase for the use of the hospitals. Such contracts shall not be let except in conformity with the provisions of this act relating to estimates. The state hospitals may manufacture such supplies and materials to be used in any of such hospitals as can be economically made therein. All goods for the use of the hospitals shall be bought, as far as practicable, of manufacturers or their immediate agents. All contracts, if let, shall, subject to the provisions of section thirty-nine, relating to estimates, be awarded to the lowest responsible bidders. A member of the commission or an officer, manager or employe of a state hospital shall not receive a gift or reward for himself or the hospital from any person, firm or corporation dealing in goods or supplies suitable or necessary for the use of the hospital. All purchases and contracts made and executed in pursuance of law, prior to June first, nineteen hundred and five, shall thereafter be given full force and effect, notwithstanding the change in the management of the state hospitals. (*As amended by chapter 380 of the Laws of 1900, chapter 26 of the Laws of 1902, and chapter 490 of the Laws of 1905.*)

§ 45. Official oath.—Each superintendent and steward of a hospital, before entering upon his duties as such, shall take the constitutional oath of office and file the same in the office of the secretary of state. (*As amended by chapter 26 of the Laws of 1902.*)

§ 46. Actions against commissioners in lunacy, managers or officers of state hospitals.—No civil action shall be brought in any court against the commission, or a commissioner in lunacy, or an

officer or a manager of a state hospital, for alleged damages because of any act done or failure to perform any act, while discharging their official duties, without leave of a judge of the supreme court, first had and obtained. Any just claim for damages against such commission or commissioner, officer, manager, or employe for which the state would be legally or equitably liable, may be paid out of any moneys appropriated for the care of the insane. (*As amended by chapter 26 of the Laws of 1902, and chapter 490 of the Laws of 1905.*)

§ 47. Private institutions for the insane.—No person, association or corporation shall establish or keep an institution for the care, custody or treatment of the insane, for compensation or hire, without first obtaining a license therefor from the commission. Every application for such license shall be accompanied by a plan of the premises proposed to be occupied, describing the capacities of the buildings for the uses intended, the extent and location of grounds appurtenant thereto, and the number of patients proposed to be received therein, with such other information, and in such form, as the commission may require. The commission shall not grant any such license without first having made an examination of the premises proposed to be licensed, and being satisfied that they are substantially as described, and are otherwise fit and suitable for the purposes for which they are designed to be used, and that such license should be granted. The commission may, at any and all times, examine and ascertain how far a licensed institution is conducted in compliance with the license therefor, and after due notice to the institution and opportunity for it to be heard, the commission having made a record of the proceeding upon such hearing, may, if the interest of the inmates of the institution so demand, for just and reasonable cause then appearing and to be stated in its order, amend or revoke any such license by an order to take effect within such time after the service thereof upon the licensee, as the commission shall determine.

§ 48. Recommendations of commission.—The authorities of each institution for the insane shall place on file in the office of the institution, the recommendations made by the commissioners as a result of their visits, for the purpose of consultation by such authorities, and for reference by the commissioners upon their visits.

§ 49. Visitors to state hospitals.—Justices of the supreme court are authorized to appoint visitors to state hospitals, upon nomination of the state charities aid association, as provided by law.

§ 50. Manhattan State Hospital; lease of property.—The transfer of the institutions, formerly known as the New York city asylums for the insane, to the custody and control of the Manhattan State Hospital, made pursuant to chapter two of the laws of eighteen hundred and ninety-six, and the lease and conveyance described in section two of such chapter are hereby ratified and confirmed. The lease of the island known as Ward's island, together with all the buildings and improvements thereon and the equipment, fixtures and furniture of the asylums for the insane located on such island, executed as prescribed in section two of chapter two of the laws of eighteen hundred and ninety-six, shall continue and remain in full force and effect until the same shall either be surrendered by the state or terminated by the city of New York. Such lease may be surrendered at any time by the state, or the same may be terminated by the city of New York by fifteen years' notice, in writing, signed by the mayor of such city, to the comptroller of the state. If such lease is terminated by the city of New York, the city shall pay to the state, the value, at the time of such termination, of all buildings that may have been erected and of all improvements that may have been made by the state on the premises as to which the lease is terminated. The amount so to be paid shall be determined by appraisalment of five competent, disinterested persons, two of whom shall be named by the governor, two by the mayor of the city of New York, and the fifth by the four persons so named. In case such lease is surrendered or terminated, as provided in this section or otherwise, adequate provision shall thenceforth be made by the state for the care and custody of all insane persons who may be inmates of the institution affected. (*Added by chapter 380 of the Laws of 1900.*)

§ 51. Manhattan state hospital; docks, ferry-boats, and removal of dead bodies.—After notice has been given to the board of managers of the Manhattan state hospital and an opportunity has been afforded them for a hearing, the commission is hereby authorized to acquire by purchase or by lease, for the use of the Manhattan state hospital, in the city of New York, at some point as



nearly opposite Ward's island as may be available, a dock which shall be suitable for the purpose of a landing and a depot for the general use of the hospital; also to purchase or lease one or more suitable steamboats to be used for the conveyance of patients and supplies to and from such hospital. Until the state provides a cemetery for the use of the hospital the commissioner of public charities of the city of New York shall continue to remove the dead bodies of insane patients from Ward's island, and to provide for the burial of the unclaimed dead as prescribed by law prior to the passage of chapter two of the laws of eighteen hundred and ninety-six, and also to afford transportation by their steam ferry-boats for such bodies as are claimed by friends at the hospital, such removal to be made within twenty-four hours after receipt of notice from the superintendent of the Manhattan state hospital. (*Added by chapter 380 of the Laws of 1900, and amended by chapter 26 of the Laws of 1902, and chapter 490 of the Laws of 1905.*)

§ 52. Acquisition of property for use of state hospitals by condemnation and otherwise.—The state commission in lunacy may acquire, under the condemnation law, such real estate, right or interest therein as may be necessary for the construction, maintenance and accommodation of a state hospital, if unable to agree with the owner thereof for its purchase. The proceedings for the purpose of acquiring such real estate, right or interest therein, shall be instituted and maintained in the name of the people of the state of New York, by the attorney-general or by such counsel as the governor or attorney-general may designate for that purpose, upon the certificate of such commission as to the necessity of acquiring such real estate, right or interest therein, approved and endorsed by the governor. The commission may acquire and hold in the name of and for the people of the state of New York, by grant, gift, devise or bequest, property to be applied to the maintenance of insane persons in and for the general use of a hospital. (*Added by chapter 380 of the Laws of 1900, and amended by chapter 490 of the Laws of 1905.*)

§ 53. Erection, repairs and improvements of state hospital buildings.—Except as hereinafter in this section provided, all plans and specifications for the erection, repairs and improvements of state hospital buildings shall be prepared by the state

architect, and he may employ such experts, engineers and assistants as may be necessary for the proper conduct of such work, whose compensation shall be fixed by said architect, with the approval of the commission, and shall be paid by the treasurer of the hospital where the work is to be performed, out of any moneys allotted by the commission for that purpose. The supervising engineer of the state commission in lunacy shall, when directed by the commission, prepare plans and specifications for the installation, repairs and improvements of the mechanical appliances and fixtures in the existing state hospitals, which before adoption shall be approved by the state architect. Before adopting any plans or specifications for the erection, repair or improvement of a state hospital building the commission shall submit the plans and specifications therefor to the board of managers of such hospital, and shall allow such board a period of not less than fifteen, nor more than sixty, days in which to submit a statement of their opinions and suggestions in regard to such plans and specifications. Contracts for such erection, repairs and improvements may be let by the commission, subject to the approval of the governor and comptroller, for the whole or any part of the work to be performed, and in the discretion of the commission, such contracts may be sublet. The comptroller and the commission shall determine to what extent and for what length of time advertisements are to be inserted in newspapers for proposals for the erection, repairs or improvements of state hospital buildings. A preliminary deposit, or certified check drawn upon some legally incorporated bank in this state, shall in all cases be required as an evidence of good faith, upon all proposals for buildings, repairs and improvements, to be deposited with the treasurer of the hospital for which the work is to be performed, in an amount to be determined by the state architect. All contracts for the erection, repairs or improvements to hospitals, shall contain a clause that the contract shall only be deemed executory to the extent of the moneys available, and no liability shall be incurred by the state beyond the moneys available for the purpose. The commission is directed, to the fullest extent deemed practicable, to provide additional buildings for the removal of the insane from the Long Island state hospital at Flatbush. (*Added by chapter 380 of the*

*Laws of 1900, amended by chapter 26 of the Laws of 1902, and chapter 490 of the Laws of 1905.)*

§ 54. Streets and railroads through hospital lands.—No public street or road for railroad or other purposes shall be opened through the lands of a state hospital, unless the legislature by special law consents thereto. (*Added by chapter 26 of the Laws of 1902.*)

### ARTICLE III.

#### COMMITMENT, CUSTODY AND DISCHARGE OF THE INSANE.

Section 60. Order for commitment of an insane person.

61. Medical examiners in lunacy; certificates of lunacy.
62. Proceedings to determine the question of insanity.
63. Appeal from order of commitment.
64. Costs of commitment.
65. Liability for care and support of poor and indigent insane.
66. Liability for the care and support of the insane other than the poor and indigent.
67. Duties of local officers in regard to their insane.
68. Duty of committee and others to care for the insane; apprehension and confinement of a dangerous insane person.
69. Patients admitted under special agreement.
70. Entries in case book.
71. Transfer of patients when hospital is overcrowded.
72. Investigation into the care and treatment of the insane.
73. Habeas corpus.
74. Discharge of patients.
75. Clothing and money to be furnished discharged patients.
76. Transfer of nonresident patients.
77. Insane Indians.
78. Sale of unclaimed personal property of discharged or deceased patients.

Section 60. Order for commitment of an insane person.—A person alleged to be insane, and who is not in confinement on a criminal charge, may be committed to and confined in an institu-

tion for the custody and treatment of the insane, upon an order made by a judge of a court of record of the city or county, or a justice of the supreme court of the judicial district, in which the alleged insane person resides or may be, adjudging such person to be insane, upon a certificate of lunacy made by two qualified medical examiners in lunacy, accompanied by a verified petition therefor, or upon such certificate and petition, and after a hearing to determine such question, as provided in this article. The commission shall prescribe and furnish blanks for such certificates and petitions, which shall be made only upon such blanks. An insane person shall be committed only to a state hospital, a duly licensed institution for the insane, or the Matteawan State hospital, or to the care and custody of a relative or committee, as hereinafter provided. No idiot shall be committed to or confined in a state hospital. But any epileptic or feeble-minded person becoming insane may be committed as an insane person to a state hospital for custody and treatment therein.

§ 61. Medical examiners in lunacy; certificates of lunacy.—The certificate of lunacy must show that such person is insane and must be made by two reputable physicians, graduates of an incorporated medical college, who have been in the actual practice of their profession at least three years, and have filed with the commission a certified copy of the certificate of a judge of a court of record, showing such qualifications in accordance with forms prescribed by the commission. Such physicians shall jointly make a final examination of the person alleged to be insane within ten days next before the granting of the order. The date of the certificate of lunacy shall be the date of such joint examination. Such certificate of lunacy shall be in the form prescribed by the commission, and shall contain the facts and circumstances upon which the judgment of the physicians is based and show that the condition of the person examined is such as to require care and treatment in an institution for the care, custody and treatment of the insane. Neither of such physicians shall be a relative of the person applying for the order, or of the person alleged to be insane, or a manager, superintendent; proprietor, officer, stockholder, or have any pecuniary interest, directly or indirectly, or be an attending physician in the institution to which it is proposed to commit such person.

nearly opposite Ward's island as may be available, a dock which shall be suitable for the purpose of a landing and a depot for the general use of the hospital; also to purchase or lease one or more suitable steamboats to be used for the conveyance of patients and supplies to and from such hospital. Until the state provides a cemetery for the use of the hospital the commissioner of public charities of the city of New York shall continue to remove the dead bodies of insane patients from Ward's island, and to provide for the burial of the unclaimed dead as prescribed by law prior to the passage of chapter two of the laws of eighteen hundred and ninety-six, and also to afford transportation by their steam ferry-boats for such bodies as are claimed by friends at the hospital, such removal to be made within twenty-four hours after receipt of notice from the superintendent of the Manhattan state hospital. (*Added by chapter 380 of the Laws of 1900, and amended by chapter 26 of the Laws of 1902, and chapter 490 of the Laws of 1905.*)

§ 52. Acquisition of property for use of state hospitals by condemnation and otherwise.—The state commission in lunacy may acquire, under the condemnation law, such real estate, right or interest therein as may be necessary for the construction, maintenance and accommodation of a state hospital, if unable to agree with the owner thereof for its purchase. The proceedings for the purpose of acquiring such real estate, right or interest therein, shall be instituted and maintained in the name of the people of the state of New York, by the attorney-general or by such counsel as the governor or attorney-general may designate for that purpose, upon the certificate of such commission as to the necessity of acquiring such real estate, right or interest therein, approved and endorsed by the governor. The commission may acquire and hold in the name of and for the people of the state of New York, by grant, gift, devise or bequest, property to be applied to the maintenance of insane persons in and for the general use of a hospital. (*Added by chapter 380 of the Laws of 1900, and amended by chapter 490 of the Laws of 1905.*)

§ 53. Erection, repairs and improvements of state hospital buildings.—Except as hereinafter in this section provided, all plans and specifications for the erection, repairs and improvements of state hospital buildings shall be prepared by the state

architect, and he may employ such experts, engineers and assistants as may be necessary for the proper conduct of such work, whose compensation shall be fixed by said architect, with the approval of the commission, and shall be paid by the treasurer of the hospital where the work is to be performed, out of any moneys allotted by the commission for that purpose. The supervising engineer of the state commission in lunacy shall, when directed by the commission, prepare plans and specifications for the installation, repairs and improvements of the mechanical appliances and fixtures in the existing state hospitals, which before adoption shall be approved by the state architect. Before adopting any plans or specifications for the erection, repair or improvement of a state hospital building the commission shall submit the plans and specifications therefor to the board of managers of such hospital, and shall allow such board a period of not less than fifteen, nor more than sixty, days in which to submit a statement of their opinions and suggestions in regard to such plans and specifications. Contracts for such erection, repairs and improvements may be let by the commission, subject to the approval of the governor and comptroller, for the whole or any part of the work to be performed, and in the discretion of the commission, such contracts may be sublet. The comptroller and the commission shall determine to what extent and for what length of time advertisements are to be inserted in newspapers for proposals for the erection, repairs or improvements of state hospital buildings. A preliminary deposit, or certified check drawn upon some legally incorporated bank in this state, shall in all cases be required as an evidence of good faith, upon all proposals for buildings, repairs and improvements, to be deposited with the treasurer of the hospital for which the work is to be performed, in an amount to be determined by the state architect. All contracts for the erection, repairs or improvements to hospitals, shall contain a clause that the contract shall only be deemed executory to the extent of the moneys available, and no liability shall be incurred by the state beyond the moneys available for the purpose. The commission is directed, to the fullest extent deemed practicable, to provide additional buildings for the removal of the insane from the Long Island state hospital at Flatbush. (*Added by chapter 380 of the*

*Laws of 1900, amended by chapter 26 of the Laws of 1902, and chapter 490 of the Laws of 1905.)*

§ 54. Streets and railroads through hospital lands.—No public street or road for railroad or other purposes shall be opened through the lands of a state hospital, unless the legislature by special law consents thereto. (*Added by chapter 26 of the Laws of 1902.*)

### ARTICLE III.

#### COMMITMENT, CUSTODY AND DISCHARGE OF THE INSANE.

Section 60. Order for commitment of an insane person.

61. Medical examiners in lunacy; certificates of lunacy.
62. Proceedings to determine the question of insanity.
63. Appeal from order of commitment.
64. Costs of commitment.
65. Liability for care and support of poor and indigent insane.
66. Liability for the care and support of the insane other than the poor and indigent.
67. Duties of local officers in regard to their insane.
68. Duty of committee and others to care for the insane; apprehension and confinement of a dangerous insane person.
69. Patients admitted under special agreement.
70. Entries in case book.
71. Transfer of patients when hospital is overcrowded.
72. Investigation into the care and treatment of the insane.
73. Habeas corpus.
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tion for the custody and treatment of the insane, upon an order made by a judge of a court of record of the city or county, or a justice of the supreme court of the judicial district, in which the alleged insane person resides or may be, adjudging such person to be insane, upon a certificate of lunacy made by two qualified medical examiners in lunacy, accompanied by a verified petition therefor, or upon such certificate and petition, and after a hearing to determine such question, as provided in this article. The commission shall prescribe and furnish blanks for such certificates and petitions, which shall be made only upon such blanks. An insane person shall be committed only to a state hospital, a duly licensed institution for the insane, or the Matteawan State hospital, or to the care and custody of a relative or committee, as hereinafter provided. No idiot shall be committed to or confined in a state hospital. But any epileptic or feeble-minded person becoming insane may be committed as an insane person to a state hospital for custody and treatment therein.

§ 61. Medical examiners in lunacy; certificates of lunacy.—The certificate of lunacy must show that such person is insane and must be made by two reputable physicians, graduates of an incorporated medical college, who have been in the actual practice of their profession at least three years, and have filed with the commission a certified copy of the certificate of a judge of a court of record, showing such qualifications in accordance with forms prescribed by the commission. Such physicians shall jointly make a final examination of the person alleged to be insane within ten days next before the granting of the order. The date of the certificate of lunacy shall be the date of such joint examination. Such certificate of lunacy shall be in the form prescribed by the commission, and shall contain the facts and circumstances upon which the judgment of the physicians is based and show that the condition of the person examined is such as to require care and treatment in an institution for the care, custody and treatment of the insane. Neither of such physicians shall be a relative of the person applying for the order, or of the person alleged to be insane, or a manager, superintendent; proprietor, officer, stockholder, or have any pecuniary interest, directly or indirectly, or be an attending physician in the institution to which it is proposed to commit such person.



§ 62. Proceedings to determine the question of insanity.—Any person with whom an alleged insane person may reside or at whose house he may be, or the father or mother, husband or wife, brother or sister, or the child of any such person, and any overseer of the poor of the town, and superintendent of the poor of the county in which any such person may be, may apply for such order, by presenting a verified petition containing a statement of the facts upon which the allegation of insanity is based, and because of which the application for the order is made. Such petition shall be accompanied by the certificate of lunacy of the medical examiners, as prescribed in the preceding section. Notice of such application shall be served personally, at least one day before making such application, upon the person alleged to be insane, and if made by an overseer or superintendent of the poor, also upon the husband or wife, father or mother or next of kin of such alleged insane person, if there be any such known to be residing within the county, and if not, upon the person with whom such alleged insane person may reside, or at whose house he may be. The judge to whom the application is to be made may dispense with such personal service, or may direct substituted service to be made upon some person to be designated by him. He shall state in a certificate to be attached to the petition his reason for dispensing with personal service of such notice, and if substituted service is directed, the name of the person to be served therewith. The judge to whom such application is made may, if no demand is made for a hearing in behalf of the alleged insane person, proceed forthwith to determine the question of insanity, and if satisfied that the alleged insane person is insane, may immediately issue an order for the commitment of such person to an institution for the custody and treatment of the insane. If, however, it appears that such insane person is harmless and his relatives or a committee of his person are willing and able to properly care for him, at some place other than such institution, upon their written consent, the judge may order that he be placed in the care and custody of such relatives or such committee. Such judge may, in his discretion, require other proofs in addition to the petition and certificate of the medical examiners. Upon the demand of any relative or near friend in behalf of such alleged insane person, the judge shall, or he may upon his own motion,

issue an order directing the hearing of such application before him at a time not more than five days from the date of such order, which shall be served upon the parties interested in the application and upon such other persons as the judge, in his discretion, may name. Upon such day, or upon such other day to which the proceedings shall be regularly adjourned, he shall hear the testimony introduced by the parties and examine the alleged insane person if deemed advisable, in or out of court, and render a decision in writing as to such person's insanity. If it be determined that such person is insane, the judge shall forthwith issue his order committing him to an institution for the custody and treatment of the insane, or make such other order as is provided in this section. If such judge can not hear the application he may, in his order directing the hearing, name some referee, who shall hear the testimony and report the same forthwith, with his opinion thereon, to such judge, who shall, if satisfied with such report, render his decision accordingly. If the commitment be made to a state hospital, the order shall be accompanied by a written statement of the judge as to the financial condition of the insane person and of the persons legally liable for his maintenance as far as can be ascertained. The superintendent of such state hospital shall be immediately notified of such commitment, and he shall, at once, make provisions for the transfer of such insane person to such hospital. The petition of the applicant, the certificate in lunacy of the medical examiners, the order directing a further hearing as provided in this section, if one be issued, and the decision of the judge or referee, and the order of commitment shall be presented at the time of the commitment to the superintendent or person in charge of the institution to which the insane person is committed, and verbatim copies shall be forwarded by such superintendent or person in charge and filed in the office of the state commission in lunacy. The relative, or committee, to whose care and custody any insane person is committed, shall forthwith file the petition, certificate and order, in the office of the clerk of the county where such order is made, and transmit a certified copy of such papers, to the commission in lunacy, and procure and retain another such certified copy. The superintendent or person in charge of any institution for the care and treatment of the insane may refuse

to receive any person upon any such order, if the papers required to be presented shall not comply with the provisions of this section, or if in his judgment, such person is not insane within the meaning of this statute, or if received, such person may be discharged by the commission. No person shall be admitted to any such institution under such order after the expiration of five days from and inclusive of the date thereof. Notwithstanding the requirements of this section that an alleged insane person be duly committed by an order of the court, in a case where the condition of such person is such that it would be for his benefit to receive immediate care and treatment, or if he is dangerously insane so as to render it necessary for public safety that he be immediately confined, he shall be forthwith received by a state institution authorized by law to care for the insane. In such case such insane person shall be so received by such institution upon a certificate of lunacy, executed by two medical examiners in lunacy after the examination and in the manner provided in the preceding section, and upon a petition made by the person authorized by this section to apply to a court for an order of commitment. By virtue of such certificate of lunacy and such petition such insane person may be retained in such institution for a period not to exceed five days. Prior to the expiration of such time an order for his commitment must be obtained in the manner provided by this section. The certificate of lunacy executed by such physicians must contain adequate reasons why the insane person should be immediately received in an institution for the insane for treatment. The superintendent or person in charge of any such institution may refuse to receive such insane person upon such certificate and petition, if in his judgment the reasons stated in the certificate, or the condition of the patient, are not sufficient, or is not of such character, as to make it necessary that the patient should receive immediate treatment. (*As amended by chapter 146 of the Laws of 1903.*)

§ 63. Appeal from order of commitment.—If a person ordered to be committed, pursuant to this chapter, or any friend in his behalf, is dissatisfied with the final order of a judge or justice committing him, he may, within ten days after the making of such order appeal therefrom to a justice of the supreme court other than the justice making the order, who shall cause a jury to be

summoned as in case of proceedings for the appointment of a committee for an insane person, and shall try the question of such insanity in the same manner as in proceedings for the appointment of a committee. Before such appeal shall be heard, such person shall make a deposit or give a bond, to be approved by a justice of the supreme court, for the payment of the costs of the appeal, if the order of commitment is sustained. If the verdict of the jury be that such person is insane, the justice shall certify that fact and make an order of commitment as upon the original hearing. Such order shall be presented, at the time of the commitment of such insane person, to the superintendent or person in charge of the institution to which the insane person is committed, and a copy thereof shall be forwarded to the commission by such superintendent or person in charge and filed in the office thereof. Proceedings under the order shall not be stayed pending an appeal therefrom, except upon an order of a justice of the supreme court, and made upon a notice, and after a hearing, with provisions made therein for such temporary care or confinement of the alleged insane person as may be deemed necessary. If a judge shall refuse to grant an application for an order of commitment of an insane person proved to be dangerous to himself or others, if at large, he shall state his reasons for such refusal in writing, and any person aggrieved thereby may appeal therefrom in the same manner and under like conditions as from an order of commitment.

§ 64. Costs of commitment.—The costs necessarily incurred in determining the question of the insanity of a poor or indigent or other person under this act, or under section twenty-six, chapter four hundred and forty-six of the laws of eighteen hundred and seventy-four, including the fees allowed by the judge or justice ordering the commitment to the medical examiners or medical witnesses called by him and other necessary expenses, and in securing the admission of such person into a state hospital and the expense of providing proper clothing for such person in accordance with the rules and regulations adopted by the commission, shall be a charge upon the town, city or county securing the commitment; but in the city of New York all fees of medical examiners and medical witnesses appointed or called by a judge of any court in said city for the purpose of determining the

question of the insanity of any such person, and not heretofore paid, may be audited and allowed in the first instance either by the judge or justice appointing the medical examiners or by the comptroller of said city and shall be paid by the chamberlain of said city on the warrant of the comptroller from the court fund and charged to the proper county within said city. If the person sought to be committed is not a poor or indigent person, the costs and expenses of the proceeding to determine his insanity and secure his commitment paid by any town, city or county may be collected by it from the estate of such person, or from the persons legally liable for his maintenance, and the same shall be a charge upon the estate of such person, or the same shall be paid by the persons legally liable for his maintenance. (*As amended by chapter 428 of the Laws of 1904.*)

§ 65. Liability for care and support of poor and indigent insane.—All poor and indigent insane persons not in confinement under criminal proceedings, shall, without unnecessary delay, be transferred to a state hospital and there wholly supported by the state. The costs necessarily incurred in the transfer of patients to state hospitals shall be a charge upon the state. The commission shall secure from the patient's estate and from relatives or friends who are liable or may be willing to assume the costs of support of inmates of state hospitals supported by the state, reimbursement, in whole or in part, of the money thus expended, either directly or through the treasurers of the respective hospitals, as provided in section forty-two of this act. The commission may appoint agents, whose duty it shall be to secure from relatives and friends who are liable therefor, or who may be willing to assume the cost of support of any of the inmates of state hospitals as are being supported by the state, reimbursement in whole or in part of the money so expended. The compensation of each agent shall not exceed five dollars a day, and the necessary traveling and other incidental expenses incurred by him, to be approved by the comptroller. The commission may fix a rate to be paid for the support of the inmates of state hospitals by relatives liable for such support or by those not liable for such support, but willing to assume the cost thereof; but such rate shall be sufficient to cover a proper proportion of the cost of maintenance and of necessary repairs and improvements.

The maintenance of any inmate of a state hospital, committed thereto upon a court order arising out of any criminal action, shall be paid by the county from which such inmate was committed. (*As amended by chapter 380 of the Laws of 1900 and chapter 546 of the Laws of 1901.*)

§ 66. Liability for the care and support of the insane other than the poor and indigent.—The father, mother, husband, wife and children of an insane person, if of sufficient ability, and the committee or guardian of his person and estate, if his estate is sufficient for the purpose, shall cause him to be properly and suitably cared for and maintained. The commission and the superintendent of the poor of the county, and the overseer of the poor of the town where any such insane person may be, or in the city of New York, the commissioners of public charities, may inquire into the manner in which any such person is cared for and maintained; and if, in the judgment of any of them, he is not properly or suitably cared for, may apply to a judge of a court of record for an order to commit him to a state hospital under the provisions of this article, but such order shall not be made unless the judge finds and certifies in the order that such insane person is not properly or suitably cared for by such relative or committee, or that it is dangerous to the public to allow him to be cared for and maintained by such relative or committee. The costs and charges of the commitment and transfer of such insane person to a state hospital shall be paid by the committee, or the father, mother, husband, wife or children of such person, to be recovered in an action brought in the name of the people by the commission, the superintendent of the poor of the county, or the overseer of the poor of the town where such insane person may be, or in the city of New York in the name of the commissioners of public charities. In all claims of the state upon relatives liable for the support of a patient, or upon moneys or property held by said patient, the state shall be deemed a preferred creditor. (*As amended by chapter 380 of the Laws of 1900.*)

§ 67. Duties of local officers in regard to their insane.—All county superintendents of the poor, overseers of the poor and other city, town or county authorities, having duties to perform relating to the insane poor, are charged with the duty of seeing that all poor and indigent insane persons within their respective

municipalities, are timely granted the necessary relief conferred by this chapter, and, when so ordered by a judge, as herein provided, or by the commission, shall see that they are, without unnecessary delay, transferred to the proper institutions provided for their care and treatment as the wards of the state. Before sending a person to any such institution, they shall see that he is in a state of bodily cleanliness and comfortably clothed with *suitable* or new clothing, in accordance with the regulations prescribed by the commission. The commission may, by order, direct that any person it deems unsuitable therefor shall not be so employed or act as such attendant. Each patient shall be sent to the state hospital, within the district embracing the county from which he is committed, except that the commission may, in their discretion, direct otherwise, but private or public insane patients, for whom homeopathic care and treatment may be desired by their relatives, friends or guardians, may be committed to the Middletown State Homeopathic hospital, or the Gowanda State Homeopathic hospital, from any of the counties of the state, in the discretion of the judge granting the order of commitment; and in the hospital to which any patient is ordered to be sent shall, by and under the regulations made by such commission, send a trained attendant to bring the patient to the hospital. Each female committed to any institution for the insane shall be accompanied by a female attendant, unless accompanied by her father, brother, husband, or son. After the patient has been delivered to the proper officers of the hospital, the care and custody of the municipality from which he is sent shall cease. *(As amended by chapter 481 of the Laws of 1899 and chapter 146 of the Laws of 1903.)*

§ 68. Duty of committee and others to care for the insane; apprehension and confinement of a dangerous insane person.—When an insane person is possessed of sufficient property to maintain himself, or his father, mother, husband, wife or children are of sufficient ability to maintain him, and his insanity is such as to endanger his own person, or the person and property of others, the committee of his person and estate, or such father, mother, husband, wife or children must provide a suitable place for his confinement, and there maintain him in such manner as shall be approved by the proper legal authority. The county superin-

tendent of the poor and the overseers of the poor of towns and cities, the commissioners of public charities in the city of New York, and the commissioners of charities and correction in the city of Brooklyn, are required to see that the provisions of this section are carried into effect in the most humane and speedy manner. Upon the refusal or neglect of a committee, guardian or relative of an insane person to cause him to be confined, as required in this chapter, the officers named in this section shall apply to a judge of a court of record of the city or county, or to a justice of the supreme court of the judicial district in which such insane person may reside or be found, who, upon being satisfied, upon proper proofs, that such person is dangerously insane and improperly at large, shall issue a precept to one or more of the officers named, commanding them to apprehend and confine such insane person in some comfortable and safe place; and such officers in apprehending such insane person shall possess all the powers of a peace officer executing a warrant of arrest in a criminal proceeding. Unless an order of commitment has been previously granted, such officers shall forthwith make application for the proper order for his commitment to the proper institution for the care, custody and treatment of the insane, as authorized by this chapter, and if such order is granted, such officer shall take the necessary legal steps to have him transferred to such institution. In no case shall any such insane person be confined in any other place than a state hospital or duly licensed institution for the insane, for a period longer than ten days, nor shall such person be committed as a disorderly person to any prison, jail or lockup for criminals, unless he be violent and dangerous, and there is no other suitable place for his confinement, nor shall he be confined in the same room with a person charged with or convicted of crime. Any person apparently insane, and conducting himself in a manner which in a sane person would be disorderly, may be arrested by any peace officer and confined in some safe and comfortable place until the question of his sanity be determined, as prescribed by this chapter. The officer making such arrest shall immediately notify the superintendent of the poor of the county, or the overseers of the poor of the town or city, or, in the city of New York, the commissioners of public



charities, or, in the city of Brooklyn, the commissioners of charities and correction, who shall forthwith take proper measures for the determination of the question of the sanity of such person.

§ 69. Patients admitted under special agreement.—The commission may authorize the superintendent of a state hospital to admit thereto, under special agreement, insane patients, who are residents of the state, other than poor and indigent insane persons, when there is room for such insane therein. But no patient shall be permitted to occupy more than one room in any state hospital. Such patients, when so received, shall be subject to the general rules and regulations of the hospital. The amount agreed upon for the maintenance of such insane persons in a state hospital, shall be secured by a properly executed bond, and bills therefor shall be collected monthly. (*As amended by chapter 380 of the Laws of 1900, and chapter 26 of the Laws of 1902.*)

§ 70. Entries in case book.—Every superintendent or other person in charge of an institution for the care and treatment of the insane, shall, within three days after the reception of a patient, make, or cause to be made, a descriptive entry of such case in a book exclusively set apart for that purpose. He shall also make or cause to be made entries from time to time, of the mental state, bodily condition and medical treatment of such patient during the time such patient remains under his care, and in the event of the discharge or death of such person, he shall state in such case book the circumstances thereof, and make such other entries at such intervals of time and in such form as may be required by the commission.

§ 71. Transfer of patients when hospital is overcrowded.—When the building of any state hospital shall become overcrowded with patients, or the number of buildings shall be reduced by fire, or other casualties, or for other cause, the commission may, in its discretion, cause the transfer of patients therefrom, or direct that patients required to be sent thereto, be transferred to another state hospital, where they can be conveniently received, or make, in special emergencies, temporary provision for their care, preference to be given in such transfers to a hospital in an adjoining rather than in a remote district. The expenses of such transfer shall be chargeable to the state, and the bills for the same, when approved by the commission, shall be paid by the treasurer of the

state, on the warrant of the comptroller, out of any moneys provided for the support of the insane.

§ 72. Investigation into the care and treatment of the insane.—When the commission has reason to believe that any person adjudged insane is wrongfully deprived of his liberty, or is cruelly, negligently or improperly treated, or inadequate provision is made for his skillful medical care, proper supervision and safe keeping, it may ascertain the facts, or may order an investigation of the facts by one of its members. It, or the commissioner conducting the proceedings, may issue compulsory process for the attendance of witnesses and the production of papers, and exercise the powers conferred upon a referee in the supreme court. If the commission deem it proper, it may issue an order directing to any or all institutions, directing and providing for such remedy or treatment, or both, as shall be therein specified. If such order be just and reasonable, and be approved by a justice of the supreme court, who may require a notice to be given of the application for such approval, it shall be binding upon any and all institutions and persons to which it is directed, and any willful disobedience of such order shall be a criminal contempt and punishable as such. Whenever the commission shall undertake an investigation into the general management and administration of any institution for the insane, it may give notice to the attorney-general of any such investigation, and the attorney-general shall appear personally or by deputy and examine witnesses who may be in attendance. The commission, or any member thereof, may at any time visit and examine the inmates of any county or city almshouse, to ascertain if insane persons are kept therein.

§ 73. Habeas corpus.—Any one in custody as an insane person is entitled to a writ of habeas corpus, upon a proper application made by him or some friend in his behalf. Upon the return of such writ, the fact of his insanity shall be inquired into and determined. The medical history of the patient, as it appears in the case book, shall be given in evidence, and the superintendent or medical officer in charge of the institution wherein such person is held in custody, and any proper person, shall be sworn touching the mental condition of such person.

§ 74. Discharge of patients.—The superintendent of a state hospital, on filing his written certificate with the commission, may

discharge any patient, except one held upon an order of a court or judge having criminal jurisdiction in an action or proceeding arising out of a criminal offense at any time, as follows:

1. A patient who, in his judgment, is recovered.

- 1-a. A patient who, in his opinion, is a dotard, not insane.

2. Any patient who is not recovered but whose discharge, in the judgment of the superintendent, will not be detrimental to the public welfare, or injurious to the patient; provided, however, that before making such certificate, the superintendent shall satisfy himself, by sufficient proof, that friends or relatives of the patient are willing and financially able to receive and properly care for such patient after his discharge. When the superintendent is unwilling to certify to the discharge of an unrecovered patient upon request, and so certifies in writing, giving his reasons therefor, any judge of a court of record in the judicial district in which the hospital is situated may, upon such certificate and an opportunity of a hearing thereon being accorded the superintendent, and upon such other proofs as may be produced before him, direct, by order, the discharge of such patient, upon such security to the people of the state as he may require, for the good behavior and maintenance of the patient. The certificate and the proof and the order granted thereon shall be filed in the clerk's office of the county in which the hospital is situated, and a certified copy of the order in the hospital from which the patient is discharged. The superintendent may grant a parole to a patient not exceeding thirty days, under general conditions prescribed by the commission. The commission may, by order, discharge any patient in its judgment improperly detained in any institution. A poor and indigent patient discharged by the superintendent, because he is an idiot, or a dotard not insane, or an epileptic, not insane, or because he is not a proper case for treatment within the meaning of this chapter, shall be received and cared for by the superintendent of the poor or other authority having similar powers, in the county from which he was committed. A patient, held upon an order of a court or judge having criminal jurisdiction, in an action or proceeding arising from a criminal offense, may be discharged upon the superintendent's certificate of recovery, approved by any such court or judge.

*(As amended by chapter 26 of the Laws of 1902, and chapter 490 of the Laws of 1905.)*

§ 75. Clothing and money to be furnished discharged patients.—No patient shall be discharged from a state hospital without suitable clothing adapted to the season in which he is discharged; and if it can not be otherwise obtained, the steward shall, upon the order of the superintendent, furnish the same, and money not exceeding twenty-five dollars, to defray his necessary expenses until he can reach his relatives or friends, or find employment to earn a subsistence.

§ 76. Transfer of non-resident patients.—If an order be issued by any judge, committing to a state hospital a poor or indigent person, who has not acquired a legal settlement in this state, the commission in lunacy shall return such insane person, either before or after his admission to a state hospital, to the country or state to which he belongs, and for such purpose may expend so much of the money appropriated for the care of the insane as may be necessary, subject to the audit of the comptroller.

§ 77. Insane Indians.—Poor and indigent insane Indians living within this state or upon any of the Indian reservations shall be committed to, confined in, and discharged from the state hospitals for the insane in the same manner and under the same rules and regulations as other poor and indigent insane persons; and all the provisions of this chapter shall apply to the Indians residing within this state the same as to other persons.

§ 78. Sale of unclaimed personal property of discharged or deceased patients.—All articles of personal property belonging to a discharged or deceased patient of a state hospital for the insane and in the custody of the superintendent or other proper officer of such hospital, may, if unclaimed by such discharged patient, or the legal representatives of such deceased patient, for a period of six months after the discharge or decease of such patient, be sold at public auction in such manner and after such notice or advertisement as the commission shall prescribe, and the proceeds of such sale shall be paid into the amusement fund of such hospital. *(Added by chapter 391 of the Laws of 1902.)*

## ARTICLE IV.

## STATE HOSPITAL FOR INSANE CRIMINALS.

## Section 90. Establishment and purposes of the Matteawan State Hospital.

91. Medical superintendent.
92. Medical superintendent as treasurer of the hospital.
93. Salaries of resident officers.
94. Powers and duties of medical superintendent and assistants.
95. Monthly estimates.
96. Power of removal.
97. Transfer of insane convicts to the Matteawan State Hospital.
98. Disposal of insane convicts after expiration of term of imprisonment.
99. Convicts on recovery, to be transferred to prison.
100. Certificates of conviction to be delivered to medical superintendent and copy filed.
101. Transfers from state hospitals to Matteawan State Hospital.
102. Authority to recover for the support of patients.
103. Tenure of office.
104. Communications with patients.

Section 90. Establishment and purposes of the Matteawan State Hospital.—The grounds, buildings and property located at Matteawan, in the county of Dutchess, and used for the purposes of the hospital for insane criminals, are hereby declared to be the Matteawan State hospital, to be used for the purpose of holding in custody and caring for such insane persons as may be committed to the said institution by courts of criminal jurisdiction, or transferred thereto by the state commission in lunacy, and for such convicted persons who may be declared insane while undergoing sentence of one year or less or for a misdemeanor at any of the various penal institutions of the state, and for all female convicts becoming insane while undergoing sentence. (*As amended by chapter 525 of the Laws of 1904.*)

§ 91. Medical superintendent.—The superintendent of state prisons shall, whenever there is a vacancy, appoint a medical su-

perintendent for the Matteawan State Hospital, who shall be a well-educated physician of at least five years' actual experience in a hospital for the care and treatment of the insane. The superintendent of state prisons, subject to the approval of the state commission in lunacy, shall make by-laws and regulations for the government of the hospital and the management of its affairs.

§ 92. Medical superintendent as treasurer of the hospital.—The medical superintendent shall be the treasurer of the hospital, and before entering upon his duties, shall file with the comptroller of the state his undertaking to the people with sureties to be approved by the superintendent of state prisons, to the effect that he will faithfully perform his trust as such treasurer. He shall have the custody of the moneys, securities and obligations belonging to the hospital, and shall open with some bank, in the vicinity of the hospital, to be selected with the approval of the comptroller, an account in his name as such medical superintendent, and immediately deposit in such bank all moneys received by him as such medical superintendent and treasurer, and shall draw therefrom only for the use of the hospital and in the manner provided by the by-laws and upon the order of the steward, specifying the object of each payment. He shall keep a full and accurate account of the receipts and payments, as directed by the by-laws, and of such other matters as the superintendent of state prisons and the state commission in lunacy may prescribe, and balance all his accounts, annually, on the thirtieth day of September, and within ten days thereafter deliver to the superintendent of state prisons, a statement thereof and an abstract of such receipts and payments for the past year. His books and vouchers shall at all times be open to the inspection of the superintendent of state prisons and the commission, and they may at any time require of him a statement of his accounts and of the funds and property in his custody.

§ 93. Salaries of resident officers.—The superintendent of state prisons shall, from time to time, determine the annual salaries and allowances of the resident officers, provided they do not in the aggregate exceed twelve thousand dollars; and the same shall be paid quarterly, on the last days of March, June, September and December, by the treasurer of the state, on the warrant of the comptroller, out of any moneys in the treasury not otherwise

## ARTICLE IV.

## STATE HOSPITAL FOR INSANE CRIMINALS.

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101. Transfers from state hospitals to Matteawan Hospital.
102. Authority to recover for the support
103. Tenure of office.
104. Communications with patients.

Section 90. Establishment and purposes of State Hospital.—The grounds, buildings and premises of the Matteawan State hospital, in the county of Dutchess, and use of the hospital for insane criminals, are hereby declared to be used for the Matteawan State hospital, to be used for the confinement in custody and caring for such insane persons committed to the said institution by courts of criminal jurisdiction or transferred thereto by the state commission of such convicted persons who may be declared insane during the going sentence of one year or less or for a term of years in the various penal institutions of the state, and for insane convicts becoming insane while undergoing sentence in the state prisons (by chapter 525 of the Laws of 1904.)

§ 91. Medical superintendent.—The state board of prisons shall, whenever there is a vacancy

appropriated, to the medical superintendent, on his presenting a bill of particulars thereof signed by the steward, and properly certified by such medical superintendent.

§ 94. Powers and duties of medical superintendent and assistants.—The medical superintendent shall be the chief executive officer of the hospital and shall:

1. Have the general superintendence of the building and grounds, together with their furniture, fixtures and stock, and the direction and control of all persons therein, subject to the rules and regulations adopted by the superintendent of state prisons, with power to assign their respective duties.

2. Appoint such number of assistant physicians, not to exceed one for each two hundred inmates or fraction thereof, as the necessities of the institution may require, also a steward and matron, all of whom and the medical superintendent, shall reside in the hospital, and shall be known as the resident officers thereof.

3. Appoint such and so many attendants and other subordinate employes as he may think proper and necessary for the economical and efficient administration of the affairs of the hospital, and prescribe their several duties and places, and fix, with the approval of the superintendent of state prisons, their compensation, and discharge any of them at his sole discretion; but in every case of discharge, so occurring, he shall, forthwith, enter the same with the reasons therefor, under an appropriate heading, in one of the record books of the hospital.

4. Give, from time to time, such orders and instructions as he may deem best calculated to insure good conduct, fidelity and economy in every department of labor and expense.

5. Maintain salutary discipline among all who are employed by the institution, and enforce strict compliance with all instructions and orders given by him, and uniform obedience to all the rules and regulations of the hospital.

6. Cause full and fair accounts and records of all his doings, and of the entire business and operations of the institution to be kept regularly, from day to day, in books provided for that purpose, in the manner and extent prescribed in the by-laws.

7. See that all accounts and records are fully made up to the last day of September in each year, and present the principal



facts and results, with his report thereon, to the superintendent of state prisons, within forty days thereafter. The resident officers, before entering upon their duties as such, shall severally take and file in the office of the secretary of state, the constitutional oath of office. The first assistant physician shall perform the duties and be subject to the responsibilities of the superintendent in his sickness or absence. The steward may personally purchase any supplies for the use of such hospital, but only in the name of the medical superintendent, and in each instance by his direction and not otherwise.

§ 95. Monthly estimates.—The medical superintendent shall cause an estimate to be made monthly, in accordance with forms to be approved by the state comptroller, of all moneys necessary for the support and maintenance of the hospital, which may be required to supplement the deficiencies in the earnings thereof. Such estimates shall be submitted to and examined by the superintendent of state prisons, who, if he is satisfied that it is correct, and that the articles named therein are actually needed for the support and maintenance of the hospital, shall certify to the same, and on production of such estimate so certified, to the comptroller, he shall draw his warrant on the state treasurer for the amount thereof, and the state treasurer shall pay such amount to the medical superintendent of the hospital, out of any money in the treasury appropriated for the support of such hospital.

§ 96. Power of removal.—The superintendent of state prisons may remove the medical superintendent, for cause shown, and an opportunity to such superintendent to be heard thereon, and such officer shall not be reappointed to the office of medical superintendent, or to any other position in said hospital.

§ 97. Transfer of insane convicts to the Matteawan State Hospital.—Whenever the physician of the state prison for women, any county penitentiary or workhouse, any reformatory for women, or of the state reformatory or any other penal institution shall report in writing to the warden or other officer in charge thereof, that any person undergoing a sentence of one year or less or convicted of a misdemeanor, or any female convict confined therein is, in his opinion, insane, such warden or other officer shall apply to a judge of a court of record to cause an examination to be made of such person by two legally qualified examiners in

lunacy, other than a physician connected with such state prison, penitentiary, reformatory or penal institution. Such examiners shall be designated by the judge to whom the application is made. Such examiners, if satisfied, after a personal examination, that such convict is insane, shall make a certificate to such effect in the form and manner prescribed by this chapter for the commitment of insane persons to state hospitals. Such warden or other person in charge shall apply to a judge of a court of record for an order transferring such convict to the Matteawan State Hospital, accompanying such application with such certificate in lunacy. Such judge, if satisfied that such convict is insane, shall issue such order of transfer, and such warden or other officer in charge shall thereupon cause such convict to be transferred to the Matteawan State Hospital and delivered to the medical superintendent thereof. At the time of such transfer the certificate in lunacy and order of transfer shall be presented to such medical superintendent. Such insane convict shall be received into such hospital and retained there until legally discharged. Such warden, or other officer in charge, before transferring such insane convict, shall see that he is bodily clean and is provided with a new suit of clothing similar to that furnished to convicts on their discharge from prison. The costs necessarily incurred in determining the question of insanity, including the fees of the medical examiners, shall be a charge upon the state or the municipality at whose expense the institution from which the transfer is made or sought to be made is maintained. (*As amended by chapter 525 of the Laws of 1904.*)

§ 98. Disposal of insane convicts after expiration of term of imprisonment.—Whenever any convict in the Matteawan State Hospital, under and by virtue of this act, shall continue to be insane at the expiration of the term for which he was sentenced, he may be retained therein until he has recovered or is otherwise legally discharged. The medical superintendent of such hospital may discharge and deliver any patient whose sentence has expired, and who is still insane, but who, in the opinion of the superintendent is reasonably safe to be at large, to his relatives or friends who are able and willing to comfortably maintain him, without further public charge; and such patient may, in the discretion of the medical superintendent, be provided with the whole or a por-

tion of such allowances as are hereinafter granted to recovered convicts. Whenever any convict, who, by reason of his insanity, shall have been retained beyond the date of the expiration of his sentence shall recover, he may be discharged by the medical superintendent, and such convict shall be entitled to ten dollars in money, suitable clothing and a railroad ticket to the county of his conviction or to such other place as he may designate at no greater distance. Similar allowances shall be made to patients committed by order of a court and who may be discharged. Any convict in the Matteawan State Hospital, whose term of imprisonment has expired by commutation or otherwise, and who is not recovered may, upon an order of the commission in lunacy, be transferred to any institution for the insane.

§ 99. Convicts on recovery to be transferred to prison.—Whenever any convict, who shall have been confined in such hospital as an insane person, shall have recovered before the expiration of his sentence, and the medical superintendent thereof shall so certify in writing to the agent and warden, or other officer in charge of the institution, from which such convict was received or to which the superintendent of state prisons may direct that he be transferred, such convict shall forthwith be transferred to the institution from which he came by the medical superintendent of the hospital, or, if received from one of the state prisons, to such state prison as the superintendent of state prisons may direct; and the agent and warden or other officer in charge of such institution shall receive such convict into such institution, and shall, in all respects, treat him as when originally sentenced to imprisonment. Any inmate not a convict, held upon an order of a judge, in a criminal proceeding, may be discharged therefrom, upon the superintendent's certificate of recovery, made to and approved by such court or judge.

§ 100. Certificate of conviction to be delivered to medical superintendent and copy filed.—Whenever any convict shall be transferred to the Matteawan State hospital, the agent and warden or other officer in charge of the prison, penitentiary, reformatory or other penal institution from which such convict is transferred, shall cause a correct copy of the original certificate of conviction of such convict to be filed in the office of the warden or officer in charge, and shall deliver the original certificate to the medical

superintendent of such hospital; and whenever any such convict shall be transferred to any penal institution from such hospital, as hereinbefore provided, the medical superintendent shall deliver to the agent and warden, or other officer in charge of such institution, such original certificate, which shall be filed in the clerk's office of the same.

§ 101. Transfers from state hospitals to Matteawan state hospital.—The commission may, by order in writing, transfer to the Matteawan state hospital, any insane inmate of a state hospital committed thereto upon the order of a court of criminal jurisdiction or of a judge or justice of such a court; or any patient who has previously been sentenced to a term of imprisonment in any penal institution, and who still manifests criminal tendencies or any such patient who has previously been an inmate of the Matteawan state hospital. From and after October first, nineteen hundred and four, all persons then inmates of the Matteawan state hospital, and all persons thereafter committed to its custody, shall be a charge upon the state. (*As amended by chapter 260 of the Laws of 1899, chapter 380 of the Laws of 1900, and chapter 525 of the Laws of 1904.*)

§ 102. Authority to recover for the support of patients.—The medical superintendent of the hospital is hereby authorized to recover for the support of any patient therein, chargeable under the law to other counties or penitentiaries, in an action to be brought, in the name of the people of the state of New York, against the county or penitentiary, for the maintenance of said patient.

§ 103. Tenure of office.—Nothing in this article shall be construed to affect the tenure of office of any of the present officers of the hospital.

§ 104. Communications with patients.—No person not authorized by law or by written permission from the superintendent of state prisons shall visit the Matteawan State hospital, or communicate with any patient therein without the consent of the medical superintendent; nor without such consent shall any person bring into or convey out of the Matteawan State hospital any letter or writing to or from any patient; nor shall any letter or writing be delivered to a patient, or if written by a patient, be sent from the Matteawan State hospital until the same shall

have been examined and read by the medical superintendent or some other officer of the hospital duly authorized by the medical superintendent. But communications addressed by such patient to the county judge or district attorney of the county from which he was sentenced, shall be forwarded, after examination by such medical superintendent, to their destination.

## ARTICLE V.

### LAWS REPEALED; WHEN TO TAKE EFFECT.

Section 110. Laws repealed.

111. When to take effect.

Section 110. Laws repealed.—Of the laws enumerated in the schedule hereto annexed, that portion specified in the last column is repealed.

§ 111. When to take effect.—This chapter shall take effect on July first, eighteen hundred and ninety-six. .

### SCHEDULE OF LAWS REPEALED.

Revised Statutes, pt. 1, ch. 20, tit. 3.... All.		
Laws of—	Chapter.	Section.
1838.....	218.....	All.
1874.....	446.....	All, except tit. 1, §§ 21, 22, 26.
1875.....	264.....	All.
1875.....	574.....	All.
1876.....	121.....	All.
1878.....	47.....	All.
1878.....	86.....	All.
1879.....	45.....	All.
1879.....	280.....	All.
1880.....	61.....	1
1880.....	164.....	All.
1881.....	49.....	All.
1881.....	190.....	All.
1883.....	193.....	All.
1884.....	289.....	All.
1884.....	515.....	All.
1885.....	178.....	All.
1885.....	462.....	All.

Laws of—	Chapter.	Section.
1886.....	215.....	All.
1886.....	318.....	All.
1886.....	545.....	All.
1887.....	343.....	All.
1887.....	375.....	All.
1887.....	629.....	All.
1888.....	451.....	All.
1889.....	56.....	All.
1889.....	283.....	All.
1889.....	427.....	All.
1890.....	126.....	All.
1890.....	132.....	All.
1890.....	243.....	All.
1890.....	273.....	All.
1891.....	335.....	All.
1893.....	81.....	All.
1893.....	214.....	All.
1893.....	247.....	All.
1893.....	323.....	All.
1893.....	614.....	All.
1894.....	707.....	All.
1895.....	172.....	All.
1895.....	628.....	All except §§ 2, 3.
1895.....	855.....	All.

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#### PAYMENTS OF PUBLIC MONEYS TO PRIVATE INSTITUTIONS.

AN ACT to authorize payments by counties, cities, towns and villages to charitable, eleemosynary, correctional and reformatory institutions wholly or partly under private control, for care, support and maintenance.

##### Chapter 754, Laws of 1895.

Section 1. Boards of estimate and apportionment, common councils, boards of aldermen, boards of supervisors, town boards, boards of trustees of villages, and all other boards or officers of counties, cities, towns and villages, authorized to appropriate and raise money by taxation and make payments therefrom, are

hereby authorized in their discretion to appropriate and to raise money by taxation and to make payments from said moneys, and from any moneys received from any other source and properly applicable thereto, to charitable, eleemosynary, correctional and reformatory institutions wholly or partly under private control, for the care, support and maintenance of their inmates, of the moneys which are or may be appropriated therefor; such payments to be made only for such inmates as are received and retained therein pursuant to rules established by the state board of charities; except that boards of trustees of villages and town boards of towns in which there is no hospital located, and which are situated upon and adjoin the boundary line of a neighboring state, are hereby authorized in their discretion to appropriate and to raise money by taxation and to make payments from said moneys, and from any moneys received from any other source and properly applicable thereto, to hospitals in such adjoining state for the purpose of maintaining a bed or beds in such hospital for the benefit of and to be used exclusively by the inhabitants of such village or town. Boards of trustees of villages and town boards of towns situate upon the boundary line of a neighboring state, which have appropriated and raised money by taxation for the purpose of maintaining a bed or beds in a hospital in such adjoining state and have not paid the same are hereby authorized to use said money for the purpose for which it was appropriated and raised. Payments to such hospital in an adjoining state shall be made only for such inmates as are received and retained therein pursuant to rules established by the state board of charities. (*As amended by chapter 155 of the Laws of 1902.*)

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**PROPERTY AND FAMILIES OF ABSCONDING PERSONS.**

**AN ACT** in relation to the property and families of absconding persons.

Chapter 304, Laws of 1878.

**Section 1.** Whenever the father, or the mother being a widow or living separate from her husband, has absconded or shall abscond from his or her children or a husband from his wife, leaving any of such children or such wife chargeable, or likely

to become chargeable upon the public for their support, and any real or personal estate of such father, or mother, or husband, has been or shall be seized by a superintendent of the poor or an overseer of the poor, or by a board of charities (or by other officers authorized to make such seizures), by warrant of the justices of the peace of the county where such real or personal property may be situated, and the court of sessions of the county wherein such superintendent or overseer of the poor or board of charities, or other officers authorized to make such seizure resides, has confirmed, or shall confirm said warrant and seizure and has heretofore directed, or shall hereafter direct what part of any of the said personal property shall be sold and how much if any of the proceeds of such sale and of the rents and profits of the real estate, if any, be applied toward the maintenance of the children or wife of the person so absconding, then the said superintendent or overseer of the poor, board of charities or other officers so authorized and directed, shall apply the said proceeds of sale of said personal property, or rents and profits of the real estate (as the case may be): First, to the payment of such taxes and assessments as may be outstanding and existing liens upon the said real estate, and repairs necessary to be made upon said real estate; and premiums for insurance on the buildings on said real estate and the balance, if any, directly to the maintaining, bringing up and providing for the wife, child or children so left and abandoned, as the same may be required from time to time; and for all of such expenditures they shall take proper vouchers, and from the rents and profits thereafter received from any real estate so seized they shall first pay all legal taxes and assessments, as they shall be assessed against said real estate and such premiums for insurances and expenses for such repairs thereon as they may deem necessary for the protection and preservation of said real estate, and the balance of said rents and profits shall be applied by said overseers, superintendents, boards of charities, or other persons authorized to make such seizures, to the maintaining, bringing up, and providing for the wife, child, or children so left and abandoned, and proper vouchers shall be taken thereof.

§ 2. Whenever any child or children, entitled to the benefits provided by this act, shall be a minor or minors whose mother is dead and whose father has absconded from his



children, or whose mother, being a widow or living apart from her husband, has absconded from her children, and such minor or minors shall have no guardian, the court of sessions having jurisdiction of this matter shall appoint some suitable person guardian ad litem or next friend of such minor or minors, whose duty it shall be to see that the provisions of this act are carried into effect. The proceeds of the sale of said personal property and the rents and profits of said real estate shall not be mingled or placed with any other funds held or owned by the officer or officers receiving the same, but shall be kept separate and distinct. Such superintendent, overseer of the poor, board of charities or other authorized officer shall give security for the faithful performance of the duties hereby imposed in such form and in such sum as the aforesaid court may direct, and shall account to the court of sessions for all moneys so received by them and for the application thereof from time to time and may be compelled by the said court to render such account at any time.

§ 3. Notice of such accounting shall be given to the wife or children, so left and abandoned, as the case may be, and to the guardian of such children, if any of them be minors. And in the event that no guardian or next friend has been appointed, as hereinbefore provided, the said court shall, prior to such accounting being had, appoint some suitable person to attend upon such accounting in behalf of said minors, and notice of such appointment and of such accounting shall be given to the persons so appointed.

§ 4. All penalties received from the prosecution of any recognizance given by any person who shall have abandoned or neglected his wife or children, or who shall have threatened to run away and leave his wife or children a burden on the public, shall be retained by the officer at whose instance such recognizance was prosecuted, and applied for the same purpose and in the same manner as in the first section of this act provided for the disposition of the proceeds of the sales of personal property and the rents and profits of real estate seized under the provisions of this act.

**PROCEEDINGS RESPECTING VAGRANTS.****Title VI of Part VI of the Code of Criminal Procedure.****Section 887. Who are vagrants.**

887a. Tramp defined.

888. Proceedings before magistrate.

889. Examination as to residence.

890. Peace officers, when required by any person, to carry vagrant before a magistrate for examination.

891. Vagrant, when to be convicted; form of certificate of conviction.

892. Certificate to constitute record of conviction, and to be filed; commitment of vagrants.

893. Children begging, how disposed of.

894. Arrest of vagrants.

895. Private citizen may do so, without warrant.

896. Peace officer may require aid; duty of persons required to aid him.

897. Neglect or refusal to aid peace officer, without lawful cause, a misdemeanor. Punishment.

898. Magistrate may depute an elector of the county to make arrest of a person disguised. If his name be not known, fictitious name may be used.

**Section 887. Who are vagrants.—The following persons are vagrants:**

1. A person who, not having visible means to maintain himself, lives without employment;

2. A person who, being an habitual drunkard, abandons, neglects, or refuses to aid in the support of his family;

3. A person who has contracted an infectious or other disease, in the practice of drunkenness or debauchery, requiring charitable aid to restore him to health;

4. A common prostitute, who has no lawful employment, whereby to maintain herself;

5. A person wandering abroad and begging, or who goes about from door to door, or places himself in the streets, highways, passages, or other public places, to beg or receive alms;

6. A person wandering abroad and lodging in taverns, groceries, ale-houses, watch or station-houses, outhouses, market places, sheds, stables, barns or uninhabited buildings, or in the open air, and not giving a good account of himself;

7. A person, who, having his face painted, discolored, covered or concealed, or being otherwise disguised, in a manner calculated to prevent his being identified, appears in a road or public highway, or in a field, lot, wood or inclosure;

8. Any child between the age of five and fourteen, having sufficient bodily health and mental capacity to attend the public schools, found wandering in the streets or lanes of any city or incorporated village, a truant, without any lawful occupation.

9. Every male person who lives wholly or in part on the earnings of prostitution, or who in any public places solicits for immoral purposes. A male person who lives with or is habitually in the company of a prostitute and has no visible means of support, shall be deemed to be living on the earnings of prostitution.

*(Added by chapter 281 of the Laws of 1900.)*

§ 887a. Tramp defined.—A tramp is any person, not blind, over sixteen years of age, and who has not resided in the county in which he may be at any time for a period of six months prior thereto, who

1. Not having visible means to maintain himself, lives without employment; or

2. Wanders abroad and begs, or goes about from door to door, or places himself in the streets, highways, passages or public places to beg or receive alms; or

3. Wanders abroad and lodges in taverns, groceries, ale-houses, watch or station houses, outhouses, market places, sheds, stables, barns or uninhabited buildings, or in the open air, and does not give a good account of himself.

*(Added by chapter 664 of the Laws of 1898.)*

§ 888. Proceedings before magistrate.—When complaint is made to any magistrate by any citizen or peace officer against any vagrant under subdivision eight of the last section, such magistrate must cause a peace officer to bring such child before him for examination, and shall also cause the parent, guardian

or master of such child, if the child has any, to be summoned to attend such examination. If thereon the complaint shall be satisfactorily established, the magistrate must require the parent, guardian or master to enter into an engagement in writing to the corporate authorities of the city or village, that he will restrain such child from so wandering about, will keep him in his own premises, or in some lawful occupation and will cause him to be sent to some school at least four months in each year until he becomes fourteen years old. The magistrate may, in his discretion, require security for the faithful performance of such engagement. If the child has no parent, guardian or master, or none can be found, or if the parent, guardian or master refuse or neglect, within a reasonable time, to enter into such engagement, and to give such security, if required, the magistrate shall make the like disposition of such child as is authorized to be made by section two hundred and ninety-one of the Penal Code, of children coming within the descriptions therein mentioned. (*As amended by chapter 220 of the Laws of 1888.*)

§ 889. Examination as to residence.—When complaint is made to any magistrate by any citizen or peace officer against a person under sections one, five or six of section eight hundred and eighty-seven, the magistrate must, upon the examination of such person, cause testimony to be taken as to his residence, and if it appears that such person has not resided in the county for a period of six months prior to his arrest, such magistrate shall not commit such person as a vagrant, as provided by this article; but if he finds that such person is guilty of an offense charged in one of such subdivisions, and such person is not blind or under sixteen years of age, the magistrate shall adjudge him to be a tramp, and commit him to a penitentiary, as required by law. On such examination the uncorroborated testimony of the defendant as to his place of residence shall not be deemed sufficient proof thereof. (*Added by chapter 664 of the Laws of 1898.*)

§ 890. Peace officers, when required by any person, to carry vagrant before a magistrate for examination.—A peace officer must, when required by any person, take a vagrant before a justice of the peace or police justice of the same city, village or

town, or before the mayor, recorder, or city judge, or judge of the general sessions of the same city, for the purpose of examination.

§ 891. Vagrant, when to be convicted; form of certificate of conviction.—If the magistrate be satisfied, from the confession of the person so brought before him, or by competent testimony, that he is a vagrant, and has resided in the county for a period of six months prior to his arrest, he must convict him, and must make and sign, with his name of office, a certificate substantially in the following form:

“I certify that A B, having been brought before me, charged with being a vagrant, I have only examined the charge, and that upon his confession in my presence (or ‘upon the testimony of C. D.’ et cetera, naming the witnesses), by which it appears that he is a person (pursuing the description contained in the subdivision of section eight hundred and eighty-seven, which is appropriate to the case), and (if convicted under subdivisions one, five or six of section eight hundred and eighty-seven) that he has resided in the county of.....for a period of six months immediately prior to his arrest, I have adjudged that he is a vagrant.

“Dated at the town (or city) of ....., the.....day of ....., 18..

“E F,

“Justice of the peace of the town of.....” (or as the case may be). (*As amended by chapter 664 of the Laws of 1898*).

§ 892. Certificate to constitute record of conviction, and to be filed; commitment of vagrants.—The magistrate must immediately cause the certificate which constitutes the record of conviction, together with the testimony taken before him as to the residence of such vagrant, to be filed in the office of the clerk of the county, and must, by a warrant signed by him, with his name of office, commit the vagrant, if not a notorious offender and a proper object for such relief, to the county poorhouse, if there be one, or to the almshouse or poorhouse of the city, village or town, for not exceeding six months at hard labor, or, if the vagrant be an improper person to be so committed, he must be committed for a like term to the county jail. In those counties of the state

where the distinction between county poor and town poor is maintained, the expense of the conviction and maintenance during the commitment of any vagrant committed to any one of the places of confinement above specified, who shall, at the time of such commitment, have obtained a legal settlement in one of the towns of the county in which said persons shall be convicted, shall be a charge upon the town where they may reside at the time of such commitment. (*As amended by chapter 664 of the Laws of 1898.*)

§ 893. Repealed by section 5, chapter 220 of the Laws of 1888.

§ 894. Arrest of vagrants.—It is the duty of every peace officer of the county, city, village, or town, where a person described in the seventh subdivision of section eight hundred and eighty-seven is found, to arrest and take him before a magistrate mentioned in section eight hundred and eighty-eight, to be proceeded against as a vagrant. (*As amended by chapter 360 of the Laws of 1882.*)

§ 895. Private citizen may do so without warrant.—A private citizen of the county may also, without warrant, exercise the powers conferred upon a peace officer by the last section.

§ 896. Peace officer may require aid. Duty of persons required to aid him.—In the execution of the duties imposed by section eight hundred and ninety-four, the peace officer may command the aid of as many male inhabitants of his county, city, village or town, as he may think proper; and a citizen so commanded, may provide himself or be provided, with such means and weapons as the officer giving the command may designate.

§ 897. Neglect or refusal to aid peace officer, without lawful cause, a misdemeanor. Punishment.—A person commanded to aid the officer, as prescribed in the last section, and who without lawful cause refuses or neglects to do so, is guilty of a misdemeanor, and is punishable by a fine not exceeding two hundred and fifty dollars, or by imprisonment not exceeding one year, or both.

§ 898. Magistrate may depute an elector of the county to make arrest of person disguised. If his name be not known, fictitious name may be used.—A magistrate to whom complaint is made against a person charged as a vagrant, as described in the seventh subdivision of section eight hundred and eighty-seven, may, by a warrant, signed by him with his name of office, depute an elector of the county to arrest and bring the vagrant before him, to

answer the complaint; and if the name of the person complained of be not known, he may be described in the warrant and in all subsequent proceedings thereon, by a fictitious name.

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PUBLIC HEALTH LAW.

Chapter 661, Laws of 1893.

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ARTICLE II.

RELIEF OF INDIANS.

§ 30-a. Relief of indigent Indians in case of epidemic.—Whenever an epidemic of a contagious or infectious disease shall prevail among the Indians of any nation, tribe or band in this state, the overseer of the poor of any town in which the reservation of such nation, tribe or band, is wholly or partly situated, may in accordance with rules and regulations adopted by the state commissioner of health, cause needed medical attendance, provisions and maintenance to be furnished to any indigent Indian residing in the town, who, or a member of whose family, is afflicted with such disease while such disease shall continue; and the cost thereof after being audited as herein provided shall be a state charge. A verified statement of any expenses incurred under this section shall be transmitted by the overseer of the poor to the state commissioner of health. Such commissioner shall examine into the matter, and if satisfied that such expenses were properly and necessarily incurred in accordance with the rules and regulations of the state commissioner of health, shall audit and allow the same, and when so audited, the amount thereof shall be paid by the state treasurer on the warrant of the comptroller to such overseer of the poor. (*Added by chapter 303 of the Laws of 1905.*)

ARTICLE XII.

REGISTRATION OF NURSES.

§ 206. Who may practice as registered nurses.—Any resident of the state of New York, being over the age of twenty-one years and of good moral character holding a diploma from a training

school for nurses connected with a hospital or sanitarium giving a course of at least two years, and registered by the regents of the university of the state of New York as maintaining in this and other respects proper standards, all of which shall be determined by the said regents, and who shall have received from the said regents a certificate of his or her qualifications to practice as a registered nurse, shall be styled and known as a registered nurse, and no other person shall assume such title, or use the abbreviation R. N. or any other words, letters or figures to indicate that the person using the name is such a registered nurse. Before beginning to practice nursing every such registered nurse shall cause such certificate to be recorded in the county clerk's office of the county of his or her residence with an affidavit of his or her identity as the person to whom the same was so issued and of his or her place of residence within such county. In the month of January, nineteen hundred and six, and in every thirty-sixth month thereafter, every registered nurse shall again cause his or her certificate to be recorded in the said county clerk's office, with an affidavit of his or her identity as the person to whom the same was issued, and of his or her place of residence at the time of such re-registration. Nothing contained in this act shall be considered as conferring any authority to practice medicine or to undertake the treatment or cure of disease in violation of article eight of this chapter. (*Added by chapter 293 of the Laws of 1903.*)

§ 207. Board of examiners; examination; fees.—Upon the taking effect of this act, the New York State Nurses' association shall nominate for examiners ten of their members who have had not less than five years' experience in their profession, and at each annual meeting of said association thereafter, two other candidates. The regents of the university of the state of New York shall appoint a board of five examiners from such list. One member of said board shall be appointed for one year, one for two years, one for three years, one for four years, and one for five years. Upon the expiration of the term of office of any examiner the said regents shall likewise fill the vacancy for a term of five years and until his or her successor is chosen. An unexpired term of an examiner caused by death, resignation or otherwise, shall be filled by the regents in the same manner as an original appointment is made. The said regents, with the advice of the



board of examiners above provided for, shall make rules for the examination of nurses applying for certification under this act, and shall charge for examination and for certification a fee of five dollars to meet the actual expenses, and shall report annually their receipts and expenditures under the provisions of this act, to the state comptroller, and pay the balance of receipts over expenditures to the state treasurer. The said regents may revoke any such certificate for sufficient cause after written notice to the holder thereof and hearing thereon. No person shall thereafter practice as a registered nurse under any such revoked certificate. (*Added by chapter 293 of the Laws of 1903.*)

§ 208. Waiver of examinations.—The regents of the University of the State of New York, may upon the recommendation of said board of examiners, waive the examination of any persons possessing the qualifications mentioned in section two hundred and six, who shall have been graduated before, or who are in training at the time of, the passage of this act and shall hereafter be graduated, and of such persons now engaged in the practice of nursing as have had three years' experience in a general hospital prior to the passage of this act, who shall apply in writing for such certificate within three years after the passage of this act, and shall also grant a certificate to any nurse of good moral character, who has been engaged in the actual practice of nursing for not less than three years next prior to the passage of this act who shall satisfactorily pass an examination in practical nursing within three years hereafter. (*Added by chapter 293 of the Laws of 1903.*)

§ 209. Violations of this article.—Any violation of this article shall be a misdemeanor. When any prosecution under this article is made on the complaint of the New York State Nurses' Association, the certificate of incorporation of which was filed and recorded in the office of the secretary of state on the second day of April, nineteen hundred and two, the fines collected shall be paid to said association and any excess in the amount of fines so paid over the expenses incurred by said association in enforcing the provisions of this article shall be paid at the end of each year to the treasurer of the state of New York. (*Added by chapter 293 of the Laws of 1903.*)

PRESERVATION OF THE HEALTH OF CHILDREN IN  
INSTITUTIONS.

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Section 213. Examination and quarantine of children admitted to institutions for orphans, destitute or vagrant children or juvenile delinquents.—Every institution in this state, incorporated for the express purpose of receiving or caring for orphan, vagrant or destitute children or juvenile delinquents, except hospitals, shall have attached thereto a regular physician of its selection duly licensed under the laws of the state and in good professional standing, whose name and address shall be kept posted conspicuously within such institution near its main entrance. The words "juvenile delinquents" here used shall include all children whose commitment to an institution is authorized by the penal code. The officer of every such institution upon receiving a child therein, by commitment or otherwise, shall, before admitting it to contact with the other inmates, cause it to be examined by such physician, and a written certificate to be given by him, stating whether the child has diphtheria, scarlet fever, measles, whooping cough or any other contagious or infectious disease, especially of the eyes and skin, which might be communicated to other inmates and specifying the physical and mental condition of the child, the presence of any indication of hereditary or other constitutional disease, and any deformity or abnormal condition found upon the examination to exist. No child shall be so admitted until such certificate shall have been furnished, which shall be filed with the commitment or other papers on record in the case, by the officers of the institution, who shall, on receiving such child, place it in strict quarantine thereafter from the other inmates, until discharged from such quarantine by such physician, who shall thereupon indorse upon the certificate the length of quarantine and the date of discharge therefrom. (*As amended by chapter 667 of the Laws of 1900.*)

§ 214. Monthly examination of inmates and reports.—Such physician shall at least once a month thoroughly examine and inspect the entire institution, and report in writing, in such form as may be approved by the state board of health, to the board of managers or directors of the institution, and to the local board

of the district or place where the institution is situated, its condition, especially as to its plumbing, sinks, water-closets, urinals, privies, dormitories, the physical condition of the children, the existence of any contagious or infectious disease, particularly of the eyes or skin, their food, clothing and cleanliness, and whether the officers of the institution have provided proper and sufficient nurses, orderlies, and other attendants of proper capacity to attend to such children, to secure to them due and proper care and attention as to their personal cleanliness and health, with such recommendations for the improvement thereof as he may deem proper. Such boards of health shall immediately investigate any complaint against the management of the institution or of the existence of anything therein dangerous to life or health, and, if proven to be well founded, shall cause the evil to be remedied without delay. (*As amended by chapter 667 of the Laws of 1900.*)

§ 215. Beds; ventilation.—The beds in every dormitory in such institution shall be separated by a passageway of not less than two feet in width, and so arranged that under each the air shall freely circulate and there shall be adequate ventilation of each bed, and such dormitory shall be furnished with such means of ventilation as the local board of health shall prescribe. In every dormitory six hundred cubic feet of air space shall be provided and allowed for each bed or occupant, and no more beds or occupants shall be permitted than are thus provided for, unless free and adequate means of ventilation exist approved by the local board of health, and a special permit in writing therefor be granted by such board, specifying the number of beds or cubic air space which shall, under special circumstances, be allowed, which permit shall be kept conspicuously posted in such dormitory. The physician of the institution shall immediately notify in writing the local board of health and the board of managers or directors of the institution of any violation of any provision of this section. (*As amended by chapter 667 of the Laws of 1900.*)

§ 216. Baby farming.—No person shall receive or board more than two infants under three years of age in the same place at the same time, unless accompanied by their parents, relatives or some person entitled to their custody, or unless within two days

after the reception of every such infant beyond the first two, a license shall be duly issued by the mayor or board of health of the city, or by the board of health of the village or town where such infant is to be received or boarded, specifying the name and age of the child, and the name and place of residence of the person so undertaking its care, and authorizing such person to receive and board the same. The officers of every incorporated society for the prevention of cruelty to children may at all reasonable times enter and inspect the premises where such infants are so received, boarded or kept, and they shall see that the provisions of this section are duly enforced. This section shall not apply to corporations incorporated under the laws of this state for the purpose of receiving and caring for foundlings or abandoned or homeless infants. (*As amended by chapter 667 of the Laws of 1900.*)

§ 217. Cadavers.—The persons having lawful control and management of any hospital, prison, asylum, morgue, or other receptacle for corpses not interred, and every undertaker or other person having in his lawful possession any such corpse for keeping or burial may deliver and he is required to deliver, under the conditions specified in this section, every such corpse in their or his possession, charge, custody or control, not placed therein by relatives or friends in the usual manner for keeping or burial, to the medical colleges of the state authorized by law to confer the degree of doctor of medicine and to any university of the state having a medical preparatory course of instruction and the professors and teachers in every such college or university may receive any such corpse and use it for the purpose of medical study. No corpse shall be so delivered or received if desired for interment by relatives or friends within forty-eight hours after death, or if known to have relatives or friends without the assent of such relatives or friends; or of a person who shall have expressed a desire in his last illness that his body be interred, but the same shall be buried in the usual manner. If the remains of any person so delivered or received shall be subsequently claimed by any relative or friend, they shall be given up to such relative or friend for interment. Any person claiming any corpse or remains for interment as provided in this section, may be required by the persons, college, university or officer or agent thereof, in whose possession, charge or custody

the same may be to present an affidavit stating that he is such relative or friend, and the facts and circumstances upon which the claim that he is such relative or friend is based, the expense of which affidavit shall be paid by the persons requiring it. If such person shall refuse to make such affidavit, such corpse or remains shall not be delivered to him but he shall forfeit his claim and right to the same. Any such medical college or university desiring to avail itself of the provisions of this section shall notify such persons having the control and management of the institutions and places heretofore specified, and such undertakers and other persons having any such corpse in their possession, custody or control in the county where such college or university is situated, and in any adjoining county in which no medical college is situated of such desire, and thereafter all such persons shall notify the proper officers of such college or university whenever there is any corpse in their possession, custody or control, which may be delivered to a medical college or university under this section, and shall deliver the same to such college or university. If two or more medical colleges located in one county are entitled to receive corpses from the same county or adjoining counties, they shall receive the same in proportion to the number of matriculated students in each college. The professors and teachers in every college or university receiving any corpse under this section shall dispose of the remains thereof, after they have served the purposes of medical science and study, in accordance with the regulations of the local board of health where the college or university is situated. Every person neglecting to comply with or violating any provision of this section, shall forfeit to the local board of health where such non-compliance or violation occurred, the sum of twenty-five dollars for every such non-compliance or violation, to be sued for by the health officer of such place, and when recovered to be paid over, less the costs and expenses of the action, to such board for its use and benefit. (*As amended by chapter 667 of the Laws of 1900.*)

§ 218. Cadavers.—The governors, keepers, wardens, managers, or persons having lawful control and management of any hospital, prison, almshouse, asylum, morgue or other receptacle for corpses not interred in the counties of Onondaga, Oswego, Madi-

son and Cortland, and the warden of the Auburn state prison, in the county of Cayuga, and every undertaker or other person in the counties of Onondaga, Oswego, Madison and Cortland, having in his lawful possession any such corpses for keeping or burial, may deliver, and they are hereby required to deliver, under the conditions specified in this section, every such corpse in their or his possession, charge, custody or control, not placed therein by relatives or friends in the usual manner for keeping or burial, to the medical colleges or schools in said counties of Onondaga, Oswego, Madison and Cortland, authorized by law to confer either the degree of doctor of medicine, or the degree of doctor of dental surgery and to all other colleges or schools incorporated under the laws of the state in said counties for the purpose of teaching medicine, anatomy or surgery, and to any university in either of said counties having a medical preparatory course of instruction, and the professors and teachers in each such college, school or university may receive such corpses and use the same for the purposes of medical, anatomical or surgical science and study. No such corpse shall be so delivered if within forty-eight hours after death, it is desired for interment by relatives, or by friends, who will bear the expenses of its interment; nor shall a corpse be so delivered or received of any person known to have relatives, whose places of residence are also known, without the assent of such relatives; and such relatives shall be deemed to have assented thereto, unless they shall claim such corpse for the interment within twenty-four hours after being notified of the death of such person. If the remains of any person so delivered or received shall be subsequently claimed for interment by any relative or by any friend who will bear the expense of such interment, they shall be given up to such relative or friend for interment. Any person claiming any corpse or remains for interment, as provided in this section, may be required by the persons, college, school, university or officer or agent thereof, in whose possession, charge or custody the same may be, to present an affidavit stating that he is such relative or friend, and the facts and circumstances upon which the claim that he is such relative or friend is based, and, if a friend, that he will bear the expense of such interment, the expense of which affidavit shall be paid by the person

requiring it. If such person shall refuse to make such affidavit, such corpse or remains shall not be delivered to him, but he shall forfeit his claim and right to the same. Any such college, school or university in either of said counties desiring to avail itself of the provisions of this section shall notify said governors, keepers, wardens, managers, undertakers and other persons hereinbefore specified in the county where said college, school or university is situated, or in any of said adjoining counties, in which no such college, school or university is situated of such desire, and thereafter it shall be obligatory upon such governors, keepers, wardens, managers, undertakers and other persons hereinbefore specified, to immediately notify the proper officer or officers of said college, school or university, whenever there is any corpse in their possession, charge, custody or control, which may be delivered to a medical college, school or university under this section, and to deliver the same to such college, school or university. It shall be the duty of such governors, keepers, wardens, managers and persons having lawful control and management of the institutions hereinbefore mentioned, after being duly notified by any college, school or university of its desire to avail itself of the provisions of this section, to keep, if requested so to do by such college, school or university, and if provided by such medical college, school or university with a suitable book for that purpose, a true and correct record of any and all corpses thereafter coming into their possession, charge, custody, or control, and of the disposition made of the same, giving the name of such corpses, if known; the dates of death and burial, if known; the names and places of residence, if known, of the relatives of such corpses; the names of the persons by whom such corpses are claimed for interment and the names of the colleges, schools, universities, or persons, to whom the same are delivered, and the dates of such deliveries; which said books shall be open to the inspection of the officers and agents of such college, school or university furnishing the same and to the officers and agents of any other medical college, school or university entitled to receive corpses from the same county. If two or more colleges, schools or universities located in any one of said counties are entitled to receive corpses from the same or from said adjoining counties, they shall receive the same in proportion to the number

of matriculated students in each college. The professors and teachers in every college, school or university receiving any corpse under this section, shall dispose of the remains thereof, after they have served the purposes of medical, anatomical, or surgical science and study, in accordance with the regulations of the local board of health where the college, school or university is situated. Any person neglecting to comply with or violating any provision of this section, shall forfeit and pay a penalty of twenty-five dollars for each and every such noncompliance or violation thereof, and it shall be the duty of the health officer, or person performing his duties, in the places where said medical colleges, schools or universities are situated, whenever he shall have knowledge or information of any non-compliance with, or violation of, any provision, or provisions, of this section, to sue for and recover, in his name of office, the aforesaid penalty, and to pay over the amount so recovered, less the cost and expenses of the action, to the health board of said locality, for its use and benefit. (*Added by chapter 302 of the Laws of 1896, and amended by chapter 667 of the Laws of 1900.*)

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#### \*ESTABLISHMENT OF HOSPITALS FOR CONSUMPTIVES.

§ 218a. Consents requisite to the establishment of hospitals or camps for the treatment of pulmonary tuberculosis.—A hospital, camp or other establishment for the treatment of patients suffering from the disease known as pulmonary tuberculosis, shall not be established in any town by any person, association, corporation or municipality, unless the board of supervisors of the county, and the town board of the town, shall each adopt a resolution authorizing the establishment thereof, and describing the limits of the locality in which the same may be established. (*Added by chapter 638 of the Laws of 1903.*)

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#### ANTI-BUTTERINE LAW.

AN ACT to prevent the use of butterine, oleomargarine or adulterated or imitation dairy products in certain institutions within this state.

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*\*See also provisions of sections 140-142 of the General City Law, page 434*



CONSTITUTIONAL PROVISIONS, LAWS, BY-LAWS AND RULES. 561

Chapter 364, Laws of 1893.

Section 1. Expenditures for products, etc., forbidden.—No money appropriated by law for maintenance and support in whole or in part of a state institution; nor money received by a charitable, benevolent, penal or reformatory institution from the state, or from a county, city or town thereof, or appropriated by such county, city or town for the maintenance or support in whole or in part of such institution; nor money belonging to or used for the maintenance or support of such institution, shall be expended for the purchase of, or in payment for, butterine, oleomargarine, lard cheese, or articles or products in imitation or semblance of natural butter or cheese produced from pure unadulterated milk or cream from the same, which articles or products have been rendered or manufactured in whole or in part from animal fats, or animal or vegetable oils not produced from unadulterated milk or cream from the same.

§ 2. Purchase, sale and use of products, etc., prohibited.—No officer, manager, superintendent or agent of an institution mentioned in the first section of this act, shall purchase for the use of such institution articles or products, for the purchase of which the money appropriated by law, or by a county, city or town, is forbidden to be used by this act, and no person shall sell to, or for the use of such institution, such articles or products. Nor shall such articles or products be used as articles of food or for cooking purposes in such institutions within this state.

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THE DOMESTIC RELATIONS LAW.

Chapter 272, Laws of 1896.

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ARTICLE VI.

THE ADOPTION OF CHILDREN.

Section 60. Definitions; effect of article.

61. Whose consent necessary.

62. Requisites of voluntary adoptions.

63. Order.

64. Effect of adoption.

65. Adoption from charitable institutions.

66. Abrogation of voluntary adoption.

Section 67. Application in behalf of the child for abrogation of an adoption from a charitable institution.

68. Application by a foster parent for the abrogation of such an adoption.

Section 60. Definitions; effect of article.—Adoption is the legal act whereby an adult takes a minor into the relation of child and thereby acquires the rights and incurs the responsibilities of parent in respect to such minor. Hereafter, in this article, the person adopting is designated the “foster parent.” A voluntary adoption is any other than that of an indigent child, or one who is a public charge from an orphan asylum or charitable institution. An adult unmarried person, or an adult husband or wife, or an adult husband and his adult wife together, may adopt a minor in pursuance of this article, and a child shall not hereafter be adopted except in pursuance thereof. Proof of the lawful adoption of a minor heretofore made may be received in evidence, and any such adoption shall not be abrogated by the enactment of this chapter and shall have the effect of an adoption hereunder. Nothing in this article in regard to an adopted child inheriting from the foster parent, applies to any will, devise or trust made or created before June twenty-fifth, eighteen hundred and seventy-three, or alters, changes or interferes with such will, devise or trust, and as to any such will, devise or trust, a child adopted before that date is not an heir so as to alter estates or trusts, or devises in wills so made or created.

§ 61. Whose consent necessary.—Consent to adoption is necessary as follows:

1. Of the minor, if over twelve years of age;
2. Of the foster parents, husband or wife, unless lawfully separated, or unless they jointly adopt such minor;
3. Of the parents or surviving parent of a legitimate child, and of the mother of an illegitimate child; but the consent of a parent who has abandoned the child, or is deprived of civil rights, or divorced because of his or her adultery or cruelty, or adjudged to be insane, or to be an habitual drunkard, or judicially deprived of the custody of the child on account of cruelty or neglect, is unnecessary.

4. Of a person of full age having lawful custody of the child, if any such person can be found, where the child has no father or mother living, or no father or mother whose consent is necessary under the last subdivision. If such child has no father or mother living, and no person can be found who has the lawful custody of the child, the judge or surrogate shall recite such facts in the order allowing the adoption.

§ 62. Requisites of voluntary adoptions.—In adoption the following requirements must be followed:

1. The foster parents or parent, the minor and all the persons whose consent is necessary under the last section, must appear before the county judge or the surrogate of the county where the foster parent or parents reside, and be examined by such judge or surrogate, except as provided by the next subdivision.

2. They must present to such judge or surrogate an instrument containing substantially the consents required by this chapter, an agreement on the part of the foster parent or parents to adopt and treat the minor as his, her, or their own lawful child, and a statement of the age of the child as nearly as the same can be ascertained, which statement shall be taken prima facie as true. The instrument must be signed by the foster parent or parents and by each person whose consent is necessary to the adoption, and severally acknowledged by said persons before such judge or surrogate; but where a parent or person or institution having the legal custody of the minor resides in some other country, state or county, his or their written acknowledged consent, or the written acknowledged consent of the officers of such institution, certified as conveyances are required to be certified to entitle them to record in a county in this state, is equivalent to his or their appearance and execution of such instrument. (*As amended by chap. 498 of the Laws of 1899.*)

§ 63. Order.—If satisfied that the moral and temporal interests of the child will be promoted thereby, the judge or surrogate must make an order allowing or confirming such adoption, reciting the reasons therefor, and directing that the minor shall thenceforth be regarded and treated in all respects as the child of the foster parent or parents. Such order, and the instrument

and consent, if any, mentioned in the last section must be filed and recorded in the office of the county clerk of such county.

It is not required by the statute that the judge or surrogate shall witness by his signature the consent of the parties adopting the child; it is sufficient if the order recites that the parties appeared before him and that they signed the necessary consents. *Supreme Court, December 30, 1891, People ex rel. Burns v. Bloedel*, 42 N. Y. St. Rep. 453; 16 N. Y. Supp. 837.

§ 64. Effect of adoption.—Thereafter the parents of the minor are relieved from all parental duties toward, and of all responsibility for, and have no rights over such child, or to his property by descent or succession. Where a parent who has procured a divorce, or a surviving parent, having lawful custody of a child, lawfully marries again, or where an adult unmarried person who has become a foster parent and has lawful custody of a child, marries, and such parent or foster parent consents that the person who thus becomes the stepfather or the stepmother of such child, may adopt such child, such parent or such foster parent, so consenting, shall not thereby be relieved of any of his or her parental duties toward, or be deprived of any of his or her rights over said child, or to his property by descent or succession. The child takes the name of the foster parent. His rights of inheritance and succession from his natural parents remain unaffected by such adoption. The foster parent or parents and the minor sustain toward each other the legal relation of parent and child and have all the rights, and are subject to all the duties of that relation, including the right of inheritance from each other, except as the same is affected by the provisions in this section in relation to adoption by a stepfather or stepmother, and such right of inheritance extends to the heirs and next of kin of the minor, and such heirs and next of kin shall be the same as if he were the legitimate child of the person adopting, but as respects the passing and limitation over of real or personal property dependent under the provisions of any instrument on the foster parent dying without heirs, the minor is not deemed the child of the foster parent so as to defeat the rights of remaindermen. (*As amended by chap. 408 of Laws of 1897, § 1.*)

§ 65. Adoption from charitable institutions.—Where an orphan asylum or charitable institution is authorized to place children

for adoption, the adoption of every such child shall, when practicable, be given to persons of the same religious faith as the parents of such child. The adoption shall be effected by the execution of an instrument containing substantially the same provisions as the instrument provided in this article for voluntary adoption, signed and sealed in the corporate name of such corporation by the officer or officers authorized by the directors thereof to sign the corporate name to such instruments, and signed by the foster parent or parents and each person whose consent is necessary to the adoption; and may be signed by the child, if over twelve years of age, all of whom shall appear before the county judge or surrogate of the county where such foster parents reside and be examined, except that such officers need not appear and such judge or surrogate may thereupon make the order of adoption provided by this article. Such instrument and order shall be filed and recorded in the office of the county clerk of the county where the foster parent resides and the adoption shall take effect from the time of such filing and recording.

§ 66. Abrogation of voluntary adoption.—A minor may be deprived of the rights of a voluntary adoption by the following proceedings only: The foster parent, the minor and the persons whose consent would be necessary to an original adoption, must appear before the county judge or surrogate of the county where the foster parent resides, who shall conduct an examination as for an original adoption. If he is satisfied that the abrogation of the adoption is desired by all parties concerned, and will be for the best interests of the minor, the foster parent, the minor, and the persons whose consent would have been necessary to an original adoption shall execute an agreement, whereby the foster parent and the minor agree to relinquish the relation of parent and child and all rights acquired by such adoption, and the parents or guardian of the child or the institution having the custody thereof, agree to reassume such relation. The judge or surrogate shall indorse, upon such agreement, his consent to the abrogation of the adoption. The agreement and consent shall be filed and recorded in the office of the county clerk of the county where the foster parent resides, and a copy thereof filed

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and recorded in the office of the county clerk of the county where the parents or guardians reside, or such institution is located, if they reside, or such institution is located, within this state. From the time of the filing and recording thereof, the adoption shall be abrogated, and the child shall reassume its original name and the parents or guardians of the child shall reassume such relation. Such child, however, may be adopted directly from such foster parents by another person in the same manner as from parents, and as if such foster parents were the parents of such child.

§ 67. Application in behalf of the child for abrogation of an adoption from a charitable institution.—A minor who shall have been adopted in pursuance of this chapter or of any act repealed thereby, from an orphan asylum or charitable institution, or any corporation which shall have been a party to the agreement by which such child was adopted, or any person on the behalf of such child, may make an application to the county judge or the surrogate's court of the county in which the foster parent then resides, for the abrogation of such adoption, on the ground of cruelty, misuseage, refusal of necessary provisions or clothing, or inability to support, maintain or educate such child, or of any violation of duty on the part of such foster parent toward such child; which application shall be by a petition setting forth the grounds thereof, and verified by the person or by some officer of the corporation making the same. A citation shall thereon be issued by such judge or surrogate in or out of such court, requiring such foster parent to show cause why the application should not be granted. The provisions of the code of civil procedure relating to the issuing, contents, time and manner of service of citations issued out of a surrogate's court, and to the hearing on the return thereof, and to enforcing the attendance of witnesses, and to all proceedings thereon, and to appeals from decrees of surrogate's courts, not inconsistent with this chapter, shall apply to such citation, and to all proceedings thereon. Such judge or court shall have power to order or compel the production of the person of such minor. If on the proofs made before him, on the hearing on such citation, the judge or surrogate shall determine that either of the grounds for

such application exists, and that the interests of such child will be promoted by granting the application, and that such foster parent has justly forfeited his right to the custody and services of such minor, an order shall be made and entered abrogating the adoption, and thereon the status of such child shall be the same as if no proceedings had been had for the adoption thereof. After one such petition against a foster parent has been denied, a citation on a subsequent petition against the same foster parent may be issued or refused in the discretion of the judge or surrogate to whom such subsequent petition shall be made.

§ 68. Application of the foster parent for the abrogation of such an adoption.—A foster parent who shall have adopted a minor in pursuance of this chapter or of any act repealed thereby, from an orphan asylum or charitable institution, may apply to the county judge or surrogate's court of the county in which such foster parent resides, for the abrogation of such adoption on the ground of the willful desertion of such child from such foster parent, or of any misdemeanor or ill-behavior of such child, which application shall be by petition, stating the grounds thereof, and the substance of the agreement of adoption, and shall be verified by the petitioner; and thereon a citation shall be issued by such judge or surrogate in or out of such court, directed to such child, and to the corporation which was a party to such adoption, or, if such corporation does not then exist, to the superintendent of the poor of such county, requiring them to show cause why such petition should not be granted. Unless such corporation shall appear on the return of such citation before the hearing thereon shall proceed, a special guardian shall be appointed by such judge or court to protect the interests of such child in such proceeding, and the foster parent shall pay to such special guardian such sum as the court shall direct for the purpose of paying the fees and the necessary disbursements in preparing for and contesting such application on behalf of the child. If such judge or surrogate shall determine, on the proofs made before him, on the hearing of such citation, that the child has violated his duty toward such foster parent, and that due regard to the interests of both require that such adoption be abrogated, an order shall be made and

entered accordingly; and such judge or court may make any disposition of the child, which any court or officer shall then be authorized to make of vagrant, truant or disorderly children. If such judge or surrogate shall otherwise determine an order shall be made and entered denying the petition.

## ARTICLE VII.

### APPRENTICES AND SERVANTS.

Section 70. Definitions; effect of article.

71. Contents of indenture.

72. Indenture by minor.

73. Indenture by poor officers.

74. Indenture by charitable corporation.

75. Penalty for failure of master or employer to perform provisions of indenture.

76. Assignment of indenture on death of master or employer.

77. Contract with apprentice in restraint of trade void.

Section 70. Definitions; effect of article.—The instrument whereby a minor is bound out to serve as a clerk or servant in any trade, profession or employment, or is apprenticed to learn the art or mystery of any trade or craft, is an indenture.

Every indenture made in pursuance of the laws repealed by this chapter shall be valid hereunder, but hereafter a minor shall not be bound out or apprenticed except in pursuance of this article.

To entitle a master to recover from a stranger the value of work and services performed for and rendered to him by one alleged to be an apprentice, a valid contract of apprenticeship must be established by the plaintiff. *Supreme Court, January, 1885, Barton v. Ford, 35 Hun, 32.*

§ 71. Consents to indenture.—Every indenture must contain:

1. The names of the parties;
2. The age of the minor as nearly as can be ascertained, which age on the filing of the indenture shall be taken *prima facie* to be the true age;
3. A statement of the nature of the service or employment to which the minor is bound or apprenticed;
4. The term of service or apprenticeship, stating the beginning and end thereof;



5. An agreement that the minor will not leave his master or employer during the term for which he is indentured;

6. An agreement that suitable and proper board, lodging and medical attendance for the minor during the continuance of the term shall be provided, either by the master or employer, or by the parent or guardian of the apprentice. (*As amended by chapter 448 of the Laws of 1899.*)

7. A statement of every sum of money paid or agreed to be paid in relation to the service;

8. If such minor is bound as an apprentice to learn the art or mystery of any trade or craft, an agreement on the part of the employer to teach, or to cause to be carefully and skillfully taught, to such apprentice, every branch of the business to which such apprentice is indentured, and that at the expiration of such apprenticeship he will give to such apprentice a certificate, in writing, that such apprentice has served at such trade or craft a full term of apprenticeship specified in such indenture;

9. If a minor is indentured by the poor officers of a county, city or town, or by the authorities of an orphan asylum, penal or charitable institution, an agreement that the master or employer will cause such child to be instructed in reading, writing and the general rules of arithmetic, and that at the expiration of the term of service he will give to such minor a new bible.

Every such indenture shall be filed in the office of the county clerk of the county where the master or employer resides.

§ 72. Indenture by minor; by whom signed.—Any minor may, by the execution of the indenture provided by this article, bind himself or herself:

1. As an apprentice to learn the art or mystery of any trade or craft for a term of not less than three nor more than five years; or,

2. As a servant or clerk in any profession, trade or employment for a term of service not longer than the minority of such minor, unless such indenture be made by a minor coming from a foreign country, for the purpose of paying his passage, when such indenture may be made for a term of one year although such term may extend beyond the time when such person will be of full age.

An indenture made in pursuance of this section must be signed,

1. By the minor;
2. By the father of the minor unless he is legally incapable of giving consent or has abandoned his family;
3. By the mother of the minor unless she is legally incapable of giving consent;
4. By the guardian of the person of the minor, if any;
5. If there be neither parents or guardians of the minor legally capable of giving consent, by the county judge of the county or a justice of the supreme court of the district, in which the minor resides; whose consent shall be necessary to the binding out or apprenticing in pursuance of this section of a minor coming from a foreign country or of the child of an Indian woman, in addition to the other consents herein provided;
6. By the master or employer.

§ 73. Indenture by poor officers; by whom signed.—The poor officers of a municipal corporation may, by an execution of the indenture provided by this article bind out or apprentice any minor whose support shall become chargeable to such municipal corporation.

In such case the indenture shall be signed,

1. By the officer or officers binding out or apprenticing the minor;
2. By the master or employer;
3. By the county judge of the county, if the support of such child was chargeable to the county, by two justices of the peace, if chargeable to the town, or by the mayor and aldermen or any two of them, if chargeable to the city.

The poor officers by whom a child is indentured and their successors in office, shall be guardians of every such child and shall inquire into the treatment thereof, and redress any grievance as provided by law.

The provision of the Revised Statutes (1 R. S. 617, § 15) declaring that a majority of the superintendents of the poor of a county "shall be at all times competent to transact business and to execute any powers vested in the board of superintendents" authorizes the majority to act, irrespective of and without consultation, with the minority.

The authority to bind minors as apprentices given to said superintendents (2 R. S. 134, § 5) may, therefore, be executed by a majority, without a meeting of or notice to all. *Court of Appeals, February, 1874, Johnson v. Dodd*, 56 N. Y. 76.

The government has the right to require the services of its citizens, minors as well as adults, for the public defense. It may dissolve the relation of master and apprentice existing by force of municipal regulations, and the obligation of service resulting from indentures executed under or sanctioned by local law.

The relation is dissolved by the acceptance of the apprentice into the military service of the government, although his enlistment was his voluntary act, not compelled by the government, and without the consent of the master; and the wages due the former for his service in the army as well as bounty money belong to him, to the exclusion of any claim thereto by the latter. *Id.*

A mother who has received temporary relief from the poor officers is not a person chargeable to the public, within the meaning of the statutes, allowing a child who, or whose parents, become chargeable, to be bound out. *Albany City Recorder, March, 1873, People ex rel. Heilbronner v. Hoster*, 14 Abb. Pr. N. S. 414.

Abandonment of a child by the father is the surrender of his parental right to the child's custody. *Court of Appeals, April, 1875, People ex rel. Wehle v. Weisenbach*, 60 N. Y. 385.

§ 74. Indenture by a charitable corporation; by whom signed.—Where an orphan asylum or charitable institution is authorized to bind out or apprentice dependent or indigent children committed to its charge, every such child shall, when practicable, be bound out or apprenticed to persons of the same religious faith as the parents of such child, and the indenture shall in such case be signed,

1. In the corporate name of such institution by the officer or officers thereof authorized by the directors to sign the corporate name to such instrument, and shall be sealed with the corporate seal;

2. By the master or employer; and

3. May be signed by the child, if over twelve years of age.

§ 75. Penalty for failure of master or employer to perform provisions of indenture.—If a master or employer to whom a minor has been indentured shall fail, during the term of service, to perform any provision of such indenture, on his part, such minor or any person in his behalf, may bring an action against the master or employer to recover damages for such failure; and if satisfied that there is sufficient cause, the court shall direct such indenture to be canceled, and may render judgment against such master or employer for not to exceed one thousand nor less than one hundred dollars, to be collected and paid over for the use and benefit of such minor to the corporation or

officers indenturing such minor, if so indentured, and otherwise, to the parents or guardian of the child.

§ 76. Assignment of indenture on death of master or employer.—On the death of a master or employer to whom a person is indentured by the poor officers of a municipal corporation, the personal representatives of the master or employer may, with the written and acknowledged consent of such person, assign such indenture and the assignee shall become vested with all the rights and subject to all the liabilities of his assignor; or if such consent be refused, the assignment may be made with like effect by the county judge of the county, on proof that fourteen days' notice of the application therefor has been given to the person indentured, to the officers by whom indentured, and to his parent or guardian, if in the country.

§ 77. Contracts with apprentices in restraint of trade void.—No person shall accept from any apprentice any agreement or cause him to be bound by oath, that after his term of service expires, he will not exercise his trade, profession or employment in any particular place; nor shall any person exact from any apprentice, after his term of service expires, any money or other thing, for exercising his trade, profession or employment in any place. Any security given in violation of this section shall be void; and any money paid, or valuable thing delivered, for the consideration, in whole or in part, of any such agreement or exaction, may be recovered back by the person paying the same with interest; and every person accepting such agreement, causing such obligation to be entered into, or exacting money or other thing, is also liable to the apprentice in the penalty of one hundred dollars, which may be recovered in a civil suit.

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### PLACING OUT CHILDREN.

AN ACT to prevent evils and abuses in connection with the placing out of children.

Chapter 264, Laws of 1898.

Section 1. When used in this act the term destitute child means an orphan, abandoned or destitute minor, under the age of sixteen years, who is an inmate of a public or private charitable

institution or is maintained by or dependent upon public or organized charity. The term place-out, when used in this act, means the placing of a destitute child in a family, other than that of a relative within the second degree, for the purpose of providing a home for such child. The term board, when used in this act, means the state board of charities.

§ 2. It is hereby made unlawful for any person or corporation, other than a charitable or benevolent institution, society or association, or society for the prevention of cruelty to children, now or hereafter duly incorporated under the laws of this state, or a local officer charged with the relief of the poor and placing out in the manner now provided by law, to place out any destitute child, directly or indirectly, unless such person or corporation shall be duly licensed, as hereinafter provided, by the state board of charities, to place out destitute children. Nor shall any local officer charged with the relief of the poor, directly or indirectly, place out any child or children in a family not residing within this state.

In *Supreme Court*, November, 1901, *People ex rel. Charles W. Spaulding v. The Board of Supervisors of Saratoga County*, 86 App. Div. 117, the court said: "That such resolution empowered the superintendent of the poor to employ Maybee to assist him in finding homes for indigent children, which was one of his official duties.

"That the duty of placing children in the homes found by Maybee devolved upon the superintendent of the poor and not upon Maybee, and, therefore, that the fact that Maybee was not licensed by the State Board of Charities to 'place out' children, as required by section 2 of chapter 284 of the Laws of 1898, did not render the contract of employment invalid."

Decision affirmed, 170 N. Y. 93, but order based upon decision, modified.

§ 3. The state board of charities is hereby authorized to issue licenses to such persons or corporations as apply therefor, and, in the judgment of said board, are proper to place-out children, empowering such licensees to place out destitute children. Any such license may be revoked by said board, in its discretion, on reasonable notice to such licensee and after affording such licensee an opportunity to be heard before said board. The reason for not granting any such license within six months after application has been made therefor, or for revoking a license, shall be entered in full in the minutes of said board.

§ 4. Any person or corporation who shall place out a destitute child shall keep and preserve a record of the full name and actual or apparent age of such child, the names and residence

of its parents, so far as known, and the name and residence of the person or persons with whom such child is placed. If such person or corporation shall subsequently remove such child from the custody of the person or persons with whom it was placed, the fact of such removal and the disposition made of such child shall be entered upon such record.

§ 5. The state board of charities, through any member, officer or duly authorized inspector of said board, is hereby authorized to visit, in its discretion, any child under the age of sixteen years, not legally adopted, placed out by any person or corporation mentioned in the second section of this act, or by any person licensed by said board to place out destitute children.

§ 6. In every case where practicable any child placed out shall be placed with individuals of like religious faith as the parents of the child.

§ 7. Whenever the state board of charities shall decide by the affirmative vote of a majority of its members that any person or corporation has placed out children for purposes of gain, or without due inquiry as to the character and reputation of the persons with whom such children are placed, and with the result that such children are subjected to cruel or improper treatment or neglect or immoral surroundings, the said board may issue an order prohibiting such person or corporation from thereafter placing out children. No such order shall be issued unless such person or corporation has had reasonable notice, with a copy of the charge, and an opportunity to be heard before said board, and a full record of the proceedings and decision on such hearings shall be kept by said board. Any such order issued by said board may be revoked by said board.

§ 8. Any person or corporation who may feel aggrieved by the decision of the state board of charities in issuing any order pursuant to the provisions of section seven of this act, may apply to any judge of the supreme court in the judicial district in which such person resides, or in which the chief office of such corporation is situated, for a writ of certiorari, and upon the return of such writ the reasonableness of such decision shall be subject to review by the supreme court of this state.

§ 9. Any person or corporation who shall willfully violate any of the provisions of this act or shall place out a child in viola-

tion of an order issued under the provisions of section seven of this act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than fifty and of not more than two hundred and fifty dollars.

## PERSONS PUNISHABLE FOR CRIME.

### Title I of the Penal Code.

\* \* \* \* \*  
Section 12. Of sections declaring crimes punishable.

- \* \* \* \* \*
- 18. Presumption of responsibility in general as to child under seven years.
  - 19. Id.; as to child seven years or more.
  - 20, 21. Irresponsibility, etc., of idiot, lunatic, etc.
  - 22. Intoxicated persons.
- \* \* \* \* \*

§ 12. Of sections declaring crimes punishable.—The several sections of this code which declare certain crimes to be punishable as therein mentioned devolve a duty upon the court authorized to pass sentence to determine and impose the punishment prescribed, but such court may in its discretion suspend sentence, during the good behavior of the person convicted, where the maximum term of imprisonment prescribed by law does not exceed ten years and such person has never been convicted of a felony. Courts of special sessions are empowered to suspend sentence and at any time within the longest period for which a defendant might have been sentenced, may issue process for the re-arrest of the defendant, and when arraigned the court as it is then constituted may proceed to enter judgment and impose sentence. In the case of children under sixteen years of age, at the time of conviction, the longest period of time after suspension of sentence within which a sentence may be imposed for such offense shall be one year; and in any proceeding of a criminal nature, triable before a magistrate, the magistrate upon conviction, may suspend sentence and place the offender under probation and at any time thereafter, during the longest period for which he could have been committed in the first instance, such magistrate, or his successor, if his term has expired, may

pronounce any judgment or sentence or impose any fine or other penalty, or make any commitment which might have been pronounced, imposed or made at the time the conviction was had. (*As amended by chapter 655 of the Laws of 1905.*)

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§ 18. Presumption as to child under seven years.—A child under the age of seven years is not capable of committing crime.

The law does not define when a child becomes *sui juris*. *Court of Appeals, February, 1887, Kunz v. City of Troy*, 104 N. Y. 351; 5 St. Rep. 642.

A child not yet seven has not reached that age at which infants are generally supposed to be of full discretion or capable of crime of which laches and neglect are but degrees. *Court of Appeals, February, 1888, Moebius v. Herrman*, 108 N. Y. 353; 13 St. Rep. 648.

Infants under seven years of age are deemed incapable of committing crime, and by the common law such incapacity presumptively continues until the age of twelve. *Court of Appeals, June 4, 1889, Stone v. Dry Dock, etc.*, 115 N. Y. 109; 23 St. Rep. 551.

§ 19. Age of capability for crime. Age, how determined by examination. By record of baptism or birth. By family Bible.—A child of the age of seven years, and under the age of twelve years, is presumed to be incapable of crime, but the presumption may be removed by proof that he had sufficient capacity to understand the act or neglect charged against him and to know its wrongfulness. Whenever in any legal proceedings it becomes necessary to determine the age of a child, the child may be produced for personal inspection, to enable the magistrate, court or jury, to determine the age thereby; and the court or magistrate may direct an examination by one or more physicians, whose opinion shall also be competent evidence upon the question of age. A copy of the record of baptism of any child in any parish register, or register kept in a church, or by a clergyman thereof, or a certificate of baptism duly authenticated by the person in charge of such register, or who administered said baptism, and also a transcript of the record of birth recorded in any bureau of vital statistics or board of health, duly authenticated by its secretary or under its seal, and the entries made in a family Bible, shall also be competent evidence upon the question of the age. (*As amended by chapter 46 of the Laws of 1881 and chapter 145 of the Laws of 1888.*)

The Penal Code preserves the rule of the common law except that it fixes the age of twelve instead of fourteen as the time when the presumption



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of incapacity ceases. *Court of Appeals, June 4, 1889, Stone v. Dry Dock, etc.*, 115 N. Y. 109; 23 St. Rep. 551.

On a criminal charge against an infant between the years of seven and twelve, the burden is on the prosecutor to show that the child has intelligence and maturity of judgment sufficient to render him capable of harboring a criminal intent. *Court of Appeals, June 4, 1889, Stone v. Dry Dock, etc.*, 115 N. Y. 109; 23 St. Rep. 551.

A jury has the right to determine from personal inspection, the age of a child at the time an offense is alleged to have been committed. *General Sessions, New York County, May, 1886, People v. Stott*, 4 N. Y. Cr. 308; *Supreme Court, May, 1885, People v. Platt*, 3 N. Y. Cr. 137. The latter case was reversed in 100 N. Y. 590, but upon another point. See also *Supreme Court, May 13, 1887, People v. Sheppard*, 9 St. Rep. 34; 44 Hun, 505; 5 N. Y. Cr. 136.

§ 20. Irresponsibility of idiot, lunatic, etc.—An act done by a person who is an idiot, imbecile, lunatic or insane is not a crime. A person cannot be tried, sentenced to any punishment, or punished for a crime while he is in a state of idiocy, imbecility, lunacy or insanity so as to be incapable of understanding the proceeding or making his defense. (*As amended by chapter 384 of the Laws of 1882.*)

The law presumes sanity in all cases. *New York County Court, Oyer and Terminer, December, 1881, People v. Coleman*, 1 N. Y. Cr. 5. The burden of overthrowing the presumption of sanity is upon the person who alleges the insanity. *Id.*

An insane man frequently deliberates, and after the most mature deliberation commits acts which, but for his insanity, would be crimes. *Court of Appeals, April, 1891, People v. Wood*, 126 N. Y. 267; 36 St. Rep. 863. The question always is, not did the party deliberate, but was he at the time insane within the legal definition of that term. *Id.*

An insane person cannot be lawfully punished for an act which was committed by him while in a state of insanity, or when he has become insane during or after a trial or conviction. *Court of Appeals, February 24, 1891, People v. McElvaine*, 125 N. Y. 600; 36 St. Rep. 181.

An insane person is incapable of crime. *New York County Court, Oyer and Terminer, December, 1881, People v. Coleman*, 1 N. Y. Cr. 2.

A lunatic is not criminally liable for his unlawful acts. *Supreme Court, October, 1892, d'Autremont v. Fire Association*, 48 St. Rep. 43; 65 Hun, 477; 20 N. Y. Supp. 345. But he is responsible civilly for any tort committed by him where a wrongful intent is not an essential thing to be proved. *Id.*

The species of insanity, called by some moral insanity, constitutes no defense for the commission of crime. *Court of Appeals, April, 1891, People v. Wood*, 126 N. Y. 268; 36 St. Rep. 963.

In a defense that the homicide was the unconscious and uncontrollable result of epileptic furor, the absence of motive is important, as bearing upon the issue so presented. *Court of Appeals, October, 1889, People v. Barber*, 115 N. Y. 475; 25 St. Rep. 184.

The doctrine that a criminal act may be excused upon the motion of an irresistible impulse to commit it, where the offender has the ability to discover his legal and moral duty in respect to it, has no place in the law. *Court of Appeals*, October, 1881, *Flanagan v. People*, 52 N. Y. 467; *Court of Appeals*, April 13, 1886, *People v. Carpenter*, 1 St. Rep. 642; 102 id. 250; 4 N. Y. Cr. 187; *Oyer and Terminer*, New York County, July, 1873, *People v. Walworth*, id. 395; *Court of Appeals*, June, 1865, *Willis v. People*, 32 N. Y. 717; *Court of Appeals*, May, 1881, *Moett v. People*, 85 id. 379; *New York County Court Oyer and Terminer*, December, 1881, *People v. Coleman*, 1 N. Y. Cr. 3.

When it is said that a prisoner must, at the time of the alleged criminal act, have sufficient capacity to distinguish between right and wrong with respect to such act, it is implied that he must have sufficient capacity to know whether such act is violation of the law of God, or of the land, or of both. *Court of Appeals*, May, 1881, *Moett v. People*, 85 N. Y. 380.

The test of responsibility is the capacity to distinguish between right and wrong at the time the act was done, and in respect thereto. *Supreme Court*, December, 1883, *People v. Casey*, 2 N. Y. Cr. 190. (Reversed in 2 N. Y. Cr. 194; *Court of Appeals*, May, 1884, 96 N. Y. 115, but on other grounds.) The law does not find irresponsibility where the claim is that such capacity exists, without the power to choose between them. *Id.*; *Court of Appeals*, October, 1881, *Flanigan v. People*, 52 N. Y. 467.

The test of responsibility for criminal acts, where insanity is asserted, is the capacity of the accused to distinguish between right and wrong at the time and with respect to the act which is the subject of inquiry. *New York County Court*, *Oyer and Terminer*, December, 1881, *People v. Coleman*, 1 N. Y. Cr. 2.

The true test of criminal responsibility, where the defense of insanity is interposed, is, whether the accused had sufficient reason to know the nature and quality of his act, and whether he has sufficient reason to know right from wrong. *Supreme Court*, October, 1881, *Walker v. People*, 1 N. Y. Cr. 14.

In order to sustain the defense of insanity, the evidence should be clear and substantial. *Supreme Court*, October, 1881, *Walker v. People*, 1 N. Y. Cr. 27. And if there is upon the whole evidence in the case any reasonable doubt, the accused is entitled to the benefit of that doubt and to an acquittal. *Id.*

The report of the Commissioners under sections 636 to 662 of Criminal Code will not prevent the accused from having the question as to sanity passed upon by a jury on the trial of the indictment. *Madison County Court of Oyer and Terminer*, December, 1883, *People v. Haight*, 13 Abb. N. C. 198. See *People v. Haight*, 3 N. Y. Cr. 61; *Court of General Sessions*, New York County, October, 1884, *People v. Rhineland*, 2 id. 340.

§ 21. Irresponsibility, etc., of idiots, lunatics, etc.—A person is not excused from criminal liability as an idiot, imbecile, lunatic, or insane person, except upon proof that, at the time of committing the alleged criminal act, he was laboring under such a defect of reason, as either,

1. Not to know the nature and quality of the act he was doing;  
or
2. Not to know that the act was wrong.  
(*As amended by chapter 384 of the Laws of 1882.*)

The rule now established excludes consideration of the question as to whether the accused possessed sufficient mental power to forbear the commission of an act which he clearly perceived to be criminal. *Court of Appeals, June 6, 1893, People v. Taylor*, 52 St. Rep. 920; 138 N. Y. 407.

An insane delusion with reference to the conduct and attitude of another cannot excuse the criminal act of taking his life, unless it is of such a character, that if it had been true, it would have rendered the homicide excusable or justifiable. *Court of Appeals, June 6, 1893, People v. Taylor*, 52 St. Rep. 919; 138 N. Y. 406.

Partial insanity, or incipient insanity, is not sufficient, if there is still the ability to perform a correct perception of the legal quality of the act and to know that it is wrong. *Court of Appeals, June 6, 1893, People v. Taylor*, 52 St. Rep. 919; 138 N. Y. 407. If, when a specific act is contemplated, he has the power to know whether it is wrong to do it and right to refrain from doing it, the law presumes that the person has also the power to choose between the right and wrong course of action, and will not permit either courts or juries to speculate as to its possible non-existence. *Id.*

A desire for self-destruction and the adoption of means to secure it do not of themselves indicate a mental impairment which has advanced to the stage of irresponsibility, otherwise the law would not make the attempt to kill one's self a crime. *Court of Appeals, June 6, 1893, People v. Taylor*, 52 St. Rep. 920; 138 N. Y. 408.

See 1 St. Rep. 648; *Court of Appeals, April 13, 1886, People v. Carpenter*, 102 N. Y. 250; 4 N. Y. Cr. 187; *Madison County Court of Oyer, December, 1883, People v. Haight*, 3 id. 61; 13 Abb. N. C. 198; *Court of General Sessions, New York County, October, 1884, People v. Rhinelanders*, 2 N. Y. Cr. 340.

§ 22. Intoxicated person.—No act committed by a person while in a state of voluntary intoxication, shall be deemed less criminal by reason of his having been in such condition. But whenever the actual existence of any particular purpose, motive or intent is a necessary element to constitute a particular species or degree of crime, the jury may take into consideration the fact that the accused was intoxicated at the time, in determining the purpose, motive or intent with which he committed the act.

The law expressly declares that voluntary intoxication, though furnishing no excuse for a criminal act, may be considered by the jury upon the questions of intent and of the degree of crime. *Supreme Court, June, 1884, People v. Conroy*, 2 N. Y. Cr. 248; 3 Hun, 121. It may also be considered upon the question of deliberation. *Id.*

The jury have a right to consider the intoxicated condition of the accused. *Supreme Court, September, 1883, People v. Cassiano*, 30 Hun, 388; 1 N. Y. Cr. 505.

Intoxication does not absolutely tend to show an absence of premeditation and deliberation. *Court of Appeals, February, 1885, People v. Mills*, 98 N. Y. 181; 3 N. Y. Cr. 187; 21 W. Dig. 137. This is a question for the jury to determine. *Id.*

The only materiality of the evidence of the defendant's intoxication is its bearing upon the questions of deliberation, premeditation and intent. *Court of Appeals, January 13, 1891, People v. Fish*, 125 N. Y. 146; 8 N. Y. Cr. 136; 34 St. Rep. 843. If he was sober enough to form an intent and to deliberate and premeditate a crime, then his responsibility is the same as if he had been perfectly sober. *Id.* His condition in this respect must be taken into account in weighing the evidence as to meditation and deliberation. *Id.*; *Court of Appeals, October, 1881, Flanigan v. People*, 86 N. Y. 554.

## ABANDONMENT AND OTHER ACTS OF CRUELTY TO CHILDREN.

### Chapter III of Title X of the Penal Code.

#### Section 287. Abandonment of child under fourteen years.

287a. Abandonment of children.

288. Unlawfully omitting to provide for child.

289. Endangering life, health or morals of child.

290. Keepers of concert saloons, etc.

291. Children not to beg, etc.

292. Certain employment of a child.

292a. Penalty for sending messenger boys to certain places.

292b. Taking apprentice without consent of guardian.

293. Duty of officers of society.

Section 287. Abandonment of child under fourteen years.—A parent, or other person having the care or custody, for nurture or education, of a child under the age of fourteen years, who deserts the child in any place, with intent wholly to abandon it, is punishable by imprisonment in a state prison for not more than seven years. (*As amended by chapters 325 of the Laws of 1892, and 376 of 1903.*)

§ 287a. Abandonment of children.—A parent or other person charged with the care or custody for nurture or education of a child under the age of sixteen years, who abandons the child in

destitute circumstances and willfully omits to furnish necessary and proper food, clothing or shelter for such child is guilty of felony, punishable by imprisonment for not more than two years, or by a fine not to exceed one thousand dollars, or by both. In case a fine is imposed the same may be applied in the discretion of the court to the support of such child. Proof of the abandonment of such child in destitute circumstances and omission to furnish necessary and proper food, clothing or shelter is prima facie evidence that such omission is willful. The provisions of section seven hundred and fifteen of this code prohibiting the disclosure of confidential communications between husband and wife shall not apply to prosecutions for the offense here defined. A previous conviction or convictions of felony or misdemeanor shall not prevent the court from suspending sentence upon a conviction under this section, or from arbitrarily fixing the limit of imprisonment or fine, in case imprisonment or fine is imposed upon conviction herein.

§ 2. Nothing in this act contained shall be deemed or construed to repeal, amend, impair or in any manner affect the provisions of sections two hundred and eighty-seven, two hundred and eighty-eight or two hundred and eighty-nine of the penal code or any other existing provisions of law relating to abandonment or other acts of cruelty to children. (*Added by chapter 168 of the Laws of 1905.*)

§ 288. Omitting to provide for child. A person who,

1. Willfully omits, without lawful excuse, to perform a duty by law imposed upon him to furnish food, clothing, shelter or medical attendance to a minor, or to make such payment toward its maintenance as may have been required by the order of a court or magistrate when such minor has been committed to an institution; or,

2. Not being a superintendent of the poor, or a superintendent of almshouses, or an institution duly incorporated for the purpose, without having first obtained a license in writing so to do from the board of health of the city or town wherein such females or children are received, boarded or kept, erects, conducts, establishes or maintains any maternity hospital, lying-in asylum where females may be received, cared for or treated

during pregnancy, or during or after delivery; or receives, boards or keeps any nursing children, or any children under the age of twelve years not his relatives, apprentices, pupils or wards without legal commitment; or,

3. Being a midwife, nurse or other person having the care of an infant within the age of two weeks, neglects or omits to report immediately to the health officer or to a legally qualified practitioner of medicine of the city, town or place where such child is being cared for, the fact that one or both eyes of such infant are inflamed or reddened whenever such shall be the case, or who applies any remedy therefor without the advice, or except by the direction of such officer or physician; or,

4. Neglects, refuses or omits to comply with any provisions of this section, or who violates the provisions of such license, is guilty of a misdemeanor. Every such license must specify the name and residence of the person so undertaking the care of such females or children, and the place and the number of females or children thereby allowed to be received, boarded and kept therein, and shall be revocable at will by the authority granting it. Every person so licensed must keep a register wherein he shall enter the names and ages of all such children and of all children born on said premises, and the names and residences of their parents, as far as known, the time of the reception and discharge of such children and the reasons therefor, and also a correct register of the name and age of every child under the age of five years who is given out, adopted, taken away or indentured from such place to or by any one, together with the name and residence of the person so adopting, taking or indenturing such child; and shall cause a correct copy of such register to be sent to the authority issuing such license within forty-eight hours after such child is so given out, adopted, taken away or indentured. It shall be lawful for the officers of any incorporated society for the prevention of cruelty to children and of such board of health at all reasonable times to enter and inspect the premises wherein such females and children are so boarded, received or kept, and also such license register and the children. *(As amended by chapter 46 of the Laws of 1884, 31 of 1886, 145 of 1888, and 325 of 1892.)*

5. No institution shall be incorporated for any of the purposes mentioned in this section except with the written consent and approbation of a justice of the supreme court, upon the certificate in writing of the state board of charities approving of the organization and incorporation of such institution. The said board of charities may apply to the supreme court for the cancellation of any certificate of incorporation previously filed without its approval, and may institute and maintain an action in such court through the attorney-general to procure a judgment dissolving any such corporation not so incorporated and forfeiting its corporate rights, privileges and franchises. (*Added by chapter 171 of the Laws of 1894.*)

Unlawfully and feloniously suffering and permitting a child to die through willful negligence, without lawful excuse, to supply it with proper food, clothing and care, constitutes a misdemeanor. *Supreme Court, June 23, 1888, People v. McDonald*, 17 St. Rep. 494; 49 Hun, 68; 1 N. Y. Supp. 704.

One failing to supply a child in his custody with proper food is guilty of an offense under the statute. *Supreme Court, June, 1880, Crouley v. People*, 21 Hun, 415.

In same case on appeal, 83 N. Y. 464, it was held that one who, with no natural or legal duty, voluntarily seeks and assumes the care and custody of a child, is amenable to the statute, if he fails to perform the duty required, to the injury of the child. It is not requisite to aver or prove that he had means of support, but he must either perform his duty or surrender such care and custody.

§ 289. Endangering life, et cetera, of child.—A person who,

1. Willfully causes or permits the life or limb of any child actually or apparently under the age of sixteen years to be endangered, or its health to be injured, or its morals to become depraved; or,

2. Willfully causes or permits such child to be placed in such a situation or to engage in such an occupation that its life or limb is endangered, or its health is likely to be injured, or its morals likely to be impaired; is guilty of a misdemeanor. (*As amended by chapter 145 of the Laws of 1888.*)

3. Any parent or guardian or other person having custody of a child under sixteen years of age, except in the city of New York who omits to exercise due diligence in the control of such child, to prevent such child from violating any of the provisions of this chapter and any such person or any other person responsible for or who by any act or omission causes, encourages or contributes to the violation by any such child of said provisions shall

be guilty of a misdemeanor and punishable accordingly. (*Added by chapter 655 of the Laws of 1905.*)

§ 290. Permitting children to attend certain resorts.—A person who,

1. Admits to or allows to remain in any dance-house, concert saloon, theatre, museum, skating rink, or in any place where wines or spirituous or malt liquors are sold or given away, or in any place of entertainment injurious to health or morals, owned, kept or managed by him in whole or in part, any child actually or apparently under the age of sixteen years, unless accompanied by its parent or guardian; or,

2. Suffers or permits any such child to play any game of skill or chance in any such place, or in any place adjacent thereto, or to be or remain therein, or admits to or allows to remain in any reputed house of prostitution or assignation or in any place where opium or any preparation thereof is smoked, any child actually or apparently under the age of sixteen years; or,

3. Sells or gives away, or causes or permits or procures to be sold or given away to any child actually or apparently under the age of sixteen years any beer, ale, wine, or any strong or spirituous liquors; or,

4. Being a pawnbroker or person in the employ of a pawnbroker, makes any loan or advances or permits to be loaned or advanced to any child actually or apparently under the age of sixteen years any money, or in any manner directly or indirectly receives any goods, chattels, wares or merchandise from any such child in pledge for loans made or to be made to it or to any other person or otherwise howsoever; or,

5. Sells, pays for or furnishes any cigar, cigarette or tobacco in any of its forms to any child actually or apparently under the age of sixteen years; (*As amended by chapter 46 of the Laws of 1884; 31 of 1886; and 170 of 1889.*)

6. Or who, being the owner, keeper or proprietor of a junk shop, junk cart or other vehicle or boat or other vessel used for the collection of junk, or any collector of junk, receives or purchases any goods, chattels, wares or merchandise from any child under the age of sixteen years; (*Added by chapter 309 of the Laws of 1903.*)

Is guilty of a misdemeanor.



7. No child actually or apparently under sixteen years of age shall smoke or in any way use any cigar, cigarette or tobacco in any form whatsoever in any public street, place or resort. A violation of this subdivision shall be a misdemeanor and shall be punished by a fine not exceeding ten dollars and not less than two dollars for each offense. (*Added by chapter 417 of the Laws of 1890.*)

8. It shall be no defense to a prosecution for a violation of subdivisions three, four, five or six of this section, that in the transaction upon which the prosecution is based the child acted as the agent or representative of another, or that the defendant dealt with such child as the agent or representative of another. (*Added by chapter 41 of the Laws of 1906.*)

§ 291. Children not to beg, etc.—Any child actually or apparently under the age of sixteen years who is found:

1. Begging or receiving or soliciting alms, in any manner or under any pretense; or gathering or picking rags, or collecting cigar stumps, bones or refuse from markets; or

2. Not having any home or other place of abode or proper guardianship; or who has been abandoned or improperly exposed or neglected, by its parents or other person or persons having it in charge, or being in a state of want or suffering; or

3. Destitute of means of support, being an orphan, or living or having lived with or in custody of a parent or guardian who has been sentenced to imprisonment for crime, or who has been convicted of a crime against the person of such child, or has been adjudged an habitual criminal; or

4. Frequenting or being in the company of reputed thieves or prostitutes, or in a reputed house of prostitution or assignation, or living in such a house either with or without its parent or guardian, or being in concert saloons, dance-houses, theatres, museums or other places of entertainment, or places where wines, malt or other spirituous liquors are sold, without being in charge of its parent or guardian; or playing any game of chance or skill in any place wherein or adjacent to which any beer, ale, wine or liquor is sold or given away, or being in any such place; or

5. Coming within any of the descriptions of children mentioned in section two hundred and ninety-two, must be arrested

and brought before a proper court or magistrate, who may commit the child to any incorporated charitable reformatory, or other institution, and when practicable, to such as is governed by persons of the same religious faith as the parents of the child, or may make any disposition of the child such as now is, or hereafter may be authorized in the cases of vagrants, truants, paupers or disorderly persons, but such commitment shall, so far as practicable, be made to such charitable or reformatory institutions. Whenever any child shall be committed to an institution under this code, and the warrant of commitment shall so state, and it shall appear therefrom that either parent, or any guardian or custodian of such child was present at the examination before such court or magistrate, or had such notice thereof as was by such court or magistrate deemed and adjudged sufficient, no further or other notice required by any local or special statute, in regard to the committal of children to such institution shall be necessary, and such commitment shall in all respects be sufficient to authorize such institutions to receive and retain such child in its custody as therein directed. Whenever any commitment of a child shall for any reason be adjudged or found defective, a new commitment of the child may be made or directed by the court or magistrate, as the welfare of the child may require. And no commitment of a child which shall recite therein the facts upon which it is based shall be deemed invalid by reason of any omission of the court or magistrate by whom such commitment is made to file any documents, papers or proceedings relating thereto, or by reason of any limitation as to the age of the child committed, contained in the act or articles of incorporation of the institution to which it may have been committed. (*As amended by chapter 31 of the Laws of 1886, and chapter 145 of the Laws of 1888.*)

6. Any magistrate having criminal jurisdiction may commit, temporarily, to an institution authorized by law to receive children on final commitment, and to have compensation therefor from the city or county authorities, any child under the age of sixteen years, who is held for trial on a criminal charge; and may, in like manner, so commit any such child held as a witness to appear on the trial of any criminal case; which institution shall thereupon receive the same, and be entitled to the like com-

compensation proportionally therefor as on final commitment, but subject to the order of the court as to the time of detention and discharge of the child. Any such child convicted of any misdemeanor shall be finally committed to some such institution, and not to any prison or jail, or penitentiary, longer than is necessary for its transfer thereto. No child under restraint or conviction, actually or apparently under the age of sixteen years, shall be placed in any prison or place of confinement, or in any courtroom, or in any vehicle for transportation in company with adults charged with or convicted of crime. (*As amended by chapter 217 of the Laws of 1892.*)

7. All cases involving the commitment or trial of children, actually or apparently under the age of sixteen years, for any violation of law, in any court shall be heard and determined by such court, at suitable times to be designated therefor by it, separate and apart from the trial of other criminal cases, of which session a separate docket and record shall be kept. All such cases shall, so far as practicable, be heard and determined in a separate court room to be known as the children's court and to be used exclusively for the examination and trial of children, actually or apparently under the age of sixteen years, charged with any offense. And all such cases and cases of offenses by, or against the person of, a child under the age of sixteen years shall have preference over all other cases, before all magistrates and in all courts and tribunals in this state both civil and criminal; and where a child is committed or detained as a witness in any case such case shall be brought to trial or otherwise disposed of without delay, whether the defendant be in custody or enlarged on bail. (*Added by chapter 217 of the Laws of 1892, and amended by chapter 331 of 1903.*)

By this section certain acts or conduct on the part of children render them liable to be arrested and dealt with as vagrants. *Supreme Court, January, 1883, Matter of McMahon*, 1 N. Y. Cr. 60; 64 How. 285.

It is not necessary to show that the children were found wandering in the streets. *Supreme Court, October, 1883, Matter of Moses*, 1 N. Y. Cr. 512.

To justify a commitment of a child under section 291, subd. 2, of the Penal Code, as being "abandoned or improperly exposed" such abandonment or improper exposure must be by the parents or the person or persons having it in charge. A child of good character who on a single occasion and while about to return to her home is found in the company of a reputed prostitute of whose character she is ignorant does not "frequent,"

nor is she in the company of, reputed prostitutes, within section 291, subd. 4 of the Penal Code. *Supreme Court, May, 1887, People ex rel. Van Riper v. Catholic Protectory*, 19 Abb. N. C. 142, 148; *Supreme Court, May, 1887, sub nomine, People ex rel. Van Riper v. Home of the Good Shepherd*, 44 Hun, 529; 5 N. Y. Cr. 139, 504; 11 St. Rep. 155.

Where the examining magistrate commits the child without summoning its guardian, if there be one, the child will be discharged on *habeas corpus*. *Supreme Court, October, 1883, Matter of Maloney*, 2 N. Y. Supp. 248; 4 id. 428.

8. All children actually or apparently under the age of sixteen who desert their homes without good or sufficient cause, or keep company with dissolute, immoral or vicious persons, shall be deemed disorderly children. Those actually or apparently under the like age who are not susceptible of proper restraint or control by their parents, guardians, or lawful custodians, or who are habitually disobedient to their reasonable and lawful commands, shall be deemed ungovernable children. A disorderly or ungovernable child may be dealt with as provided in the fifth subdivision of this section. (*Added by chapter 50 of the Laws of 1903.*)

9. Whenever any child is brought before any court or magistrate, to be dealt with under any of the subdivisions of this section, instead of committing such child to confinement in any institution, the court or magistrate may place such child under the custody of a probation or parole officer, and at any time within one year thereafter such court or magistrate, may issue a warrant for such child, and after giving such child an opportunity to be heard, may make the commitment which could have been made in the first instance as aforesaid. The foregoing provision shall not apply to a children's court created by special enactment in cities of the first class but this exception shall not be construed as taking away or limiting any jurisdiction now possessed by such children's courts. (*Added by chapter 655 of the Laws of 1905.*)

§ 292. Certain employments of child prohibited.—A person who employs or causes to be employed, or who exhibits, uses, or has in custody, or trains for the purpose of the exhibition, use or employment of, any child actually or apparently under the age of sixteen years; or who having the care, custody or control of such a child as parent, relative, guardian, employer, or other-

wise, sells, lets out, gives away, so trains, or in any way procures or consents to the employment, or to such training, or use, or exhibition of such child; or who neglects or refuses to restrain such child from such training, or from engaging or acting, either

1. As a rope or wire walker, gymnast, wrestler, contortionist, rider or acrobat; or upon any bicycle or similar mechanical vehicle or contrivance; or,

2. In begging or receiving or soliciting alms in any manner or under any pretense, or in any mendicant occupation; or in gathering or picking rags, or collecting cigar stumps, bones or refuse from markets; or in peddling; or,

3. In singing; or dancing; or playing upon a musical instrument; or in a theatrical exhibition; or in any wandering occupation; or,

4. In any illegal, indecent or immoral exhibition or practice; or in the exhibition of any such child when insane, idiotic, or when presenting the appearance of any deformity or unnatural physical formation or development; or

5. In any practice or exhibition or place dangerous or injurious to the life, limb, health or morals of the child, is guilty of a misdemeanor. But this section does not apply to the employment of any child as a singer or musician in a church, school or academy; or in teaching or learning the science or practice of music; or as a musician in any concert or in a theatrical exhibition, with the written consent of the mayor of the city, or the president of the board of trustees of the village where such concert or exhibition takes place. Such consent shall not be given unless forty-eight hours previous notice of the application shall have been served in writing upon the society mentioned in section two hundred and ninety-three of the Penal Code, if there be one within the county, and a hearing had thereon if requested, and shall be revocable at the will of the authority giving it. It shall specify the name of the child, its age, the names and residence of its parents or guardians, the nature, time, duration and number of performances permitted, together with the place and character of the exhibition. But no such consent shall be deemed to authorize any violation of the first, second, fourth or fifth subdivisions of this section.

(As amended by chapter 46 of the Laws of 1884; 31 of 1886; and 309 of 1892.)

This section is not unconstitutional as infringing on the rights of parents or those of the child. *Supreme Court, July 21, 1892, People v. Ewer, 47 St. Rep. 501; 8 N. Y. Cr. 302.*

§ 292a. Penalty for sending messenger boys to certain places.—A corporation or person employing messenger boys who:

1. Knowingly places or permits to remain in a disorderly house, or in an unlicensed saloon, inn, tavern or other unlicensed place where malt or spirituous liquors or wines are sold, any instrument or device by which communication may be had between such disorderly house, saloon, inn, tavern or unlicensed place, and any office or place of business of such corporation or person; or

2. Knowingly sends or permits any person to send any messenger boy to any disorderly house, unlicensed saloon, inn, tavern, or other unlicensed place, where malt or spirituous liquors or wines are sold on any errand or business whatsoever except to deliver telegrams at the door of such house, is guilty of a misdemeanor, and incurs a penalty of fifty dollars to be recovered by the district attorney. (*Added by chapter 692 of the Laws of 1893.*)

§ 292b. Taking apprentice without consent of guardian.—A person who takes an apprentice without having first obtained the consent of his legal guardian or unless a written agreement has been entered into as prescribed by law, is guilty of a misdemeanor. (*Added by chapter 692 of the Laws of 1893.*)

§ 293. Arrests, by whom made.—A constable or police officer must, and any agent or officer of any incorporated society for the prevention of cruelty to children may, arrest and bring before a court or magistrate having jurisdiction, any person offending against any of the provisions of this chapter and any minor coming within any of the descriptions of children mentioned in section two hundred and ninety-one, or in section two hundred and ninety-two. Such constable, police officer or agent may interfere to prevent the perpetration in his presence of any act forbidden by this chapter. A person who obstructs or interferes with any officer or agent of such society in the exercise of his authority under this chapter, is guilty of a misdemeanor. All fines, penalties and forfeitures imposed or collected for a violation of the provisions of this code or of any act relating to

or affecting children, now in force or hereafter passed, must be paid on demand to the incorporated society for the prevention of cruelty to children in every case where the prosecution shall be instituted or conducted by such a society; and any such payment heretofore made to any such society may be retained by it. (*As amended by chapter 145 of the Laws of 1888.*)

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**\* SENTENCE OF MINOR.**

Section 713 of the Penal Code.

Sentence of minor.—When a person under the age of sixteen is convicted of a crime, he may, in the discretion of the court, instead of being sentenced to fine or imprisonment, be placed in charge of any suitable person or institution willing to receive him, and be thereafter, until majority or for a shorter term, subjected to such discipline and control of the person or institution receiving him as a parent or guardian may lawfully exercise over a minor. A child under sixteen years of age committed for misdemeanor, under any provision of this Code, must be committed to some reformatory, charitable or other institution authorized by law to receive and take charge of minors. And when any such child is committed to an institution, it shall when practicable, be committed to an institution governed by persons of the same religious faith as the parents of such child. (*As amended by chapter 46 of the Laws of 1884.*)

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**REFORMATORY INMATES NOT TO BE EMPLOYED BY CONTRACT.**

AN ACT relating to the employment of children by contract in houses of refuge, reformatories and other correctional institutions.

Chapter 470, Laws of 1884.

Section 1. It shall be unlawful for the trustees or managers of any house of refuge, reformatory or other correctional insti-

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\* See also section 701 of the Penal Code, page 89, which provides for commitments to the House of Refuge, Randall's Island, the State Industrial School (now the New York State Training School for Boys), and the New York State Training School for Girls.

tution, to contract, hire, or let by the day, week, or month, or any longer period, the services or labor of any child or children under, now or hereafter committed to or inmates of such institutions.

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#### CHILDREN'S COURT, NEW YORK CITY.

AN ACT to amend the Greater New York charter, chapter three hundred and seventy-eight of the Laws of eighteen hundred and ninety-seven, entitled "An act to unite into one municipality under the corporate name of the city of New York, the various communities lying in and about New York harbor, including the city and county of New York, the city of Brooklyn and the county of Kings, the county of Richmond and part of the county of Queens, and to provide for the government thereof."

##### Chapter 466, Laws of 1901.

Section 1418. The justices of the special sessions of the first division shall assign a separate part for the hearing and disposition of cases heretofore within the jurisdiction of city magistrates involving the trial or commitment of children, which part shall be called the children's court; and in all such cases the justice or justices holding said court shall have all the powers, duties and jurisdiction now possessed by the city magistrates within said first division, and such other and further powers, duties and jurisdiction as are contained in the following sections:

The justices of the special sessions of the second division shall as soon as a special court building can be put in readiness assign a separate part for the hearing and disposition of cases heretofore within the jurisdiction of city magistrates, involving the trial or commitment of children, which part shall be called the children's court, second division, borough of Brooklyn; and in all such cases the justice or justices holding said court shall have all the powers, duties and jurisdiction now possessed by the city magistrates within said second division, except in the boroughs of Queens and Richmond, and such other and further powers, duties and jurisdiction as are contained in the following sections:

Each of said children's courts shall be held by one or more of the justices of special sessions in their respective divisions, as



the circumstances require in such manner as the said justices shall by rule provide.

Whenever, under any provision of law, after said separate parts shall be assigned, a child under sixteen years of age, unless jointly charged with one or more persons above that age, is taken into custody it shall be the duty of the officer having the child in charge, and at the earliest time when a justice will be present, to take such child before the children's court, and shall not take said child, knowingly, to any city magistrate's court, or before any city magistrate, except for the purpose of giving bail. If through inadvertence any such child shall be arraigned before a city magistrate, it shall be the duty of such magistrate, as soon as the age of such child is discovered, to transfer the case to the children's court, in the division in which such case belongs, and if any papers have been prepared, to indorse the transfer thereon and to send the same with the officer to said court; and it is hereby made the duty of the officer to take such child with said papers to the children's court with all convenient speed, to be heard and disposed of, pursuant to law by the justice there presiding. The justices of the court of special sessions for the first division shall appoint a clerk and a deputy clerk for the children's court, first division, and such and so many officers and attendants, including a stenographer, as may be necessary, whose salaries, except the clerk, shall be fixed by the board of aldermen, on the recommendation of the board of estimate and apportionment. The salary of the clerk of the children's court, first division, shall be three thousand dollars per year, payable in monthly installments, and the clerk, appointed by the board of city magistrates in office at the time this act shall go into effect, shall continue in office as clerk until removed therefrom by expiration of term, or by due process of law.

The justices of the court of special sessions for the second division shall appoint a clerk and a deputy clerk for the children's court, second division, borough of Brooklyn, and such and so many officers and attendants, including a stenographer, as may be necessary, whose salaries, except the clerk, shall be fixed by the board of aldermen on the recommendation of the board of estimate and apportionment. The salary of the clerk shall be two thousand five hundred dollars per year, payable in monthly

installments, and he shall continue in office as clerk until removed therefrom by expiration of term or by due process of law. The term of office of the clerk of the children's court, second division, shall be for five years. The justice shall have authority to appoint or designate not more than three discreet persons of good character to serve as probation officers during the pleasure of the court. It shall be the duty of said probation officers to make such investigations as may be required by the court, to be present in court in order to present the interests of the child; when the case is heard, to furnish to the court such information and assistance as he may require, and to take charge of any child before and after trial as may be directed by the court.

The said courts shall be held in some building separate and apart from one used for the trial of persons above the age of sixteen charged with any criminal offense.

Nothing herein contained shall affect any provisions of law with respect to the temporary commitment by magistrates of children as witnesses for the trial of any criminal case. For statistical purposes the clerk of each of said children's courts, annually, at such time and in such form as the board of city magistrates of the first division may require, as to the children's court in the first division, and in such form as the justices of the court of special sessions in the second division may require as to such children's court in Brooklyn, shall prepare in duplicate a report of the arrests, commitments and dispositions, with such other data as said board may require, of all persons arraigned in or brought before such court during the year; one of which said duplicates shall be transmitted to the board of city magistrates in their respective divisions to be included in its annual report; and the other shall be transmitted to the mayor and be printed in the City Record. (*As amended by chapter 590 of the Laws of 1902 and chapter 159 of the Laws of 1903.*)

§ 1419. In addition to the powers, duties and jurisdiction heretofore conferred, the court of special sessions of the first division, and the justices thereof, and the court of special sessions of the second division, except in the boroughs of Queens and Richmond, and the justices thereof, shall supersede the city magistrates in said first and second divisions, except in the boroughs of Queens and Richmond, in the trial, determination and disposi-

tion of all cases concerning children under sixteen years of age, unless upon a criminal charge in which two or more persons are jointly charged and some of them are above that age; and the said courts and the justices thereof shall have and exercise the powers, duties and jurisdiction as follows:

1. The said court of special sessions of the first division, and the said court of special sessions of the second division, except in the boroughs of Queens and Richmond, shall hear and adjudicate all charges of a criminal nature against children under sixteen years of age, of the grade of, or, under section six hundred and ninety-nine of the penal code, permitted to be tried as misdemeanors, including all charges coming within the summary jurisdiction of magistrates, and impose or suspend sentence or remit to probation pursuant to law. But all such hearings and trials shall, except as hereinafter provided, be had in a court room exclusively used for the hearing and disposition of children's cases.

2. Such court as provided in section fourteen hundred and eighteen, shall be open each day, except Sundays and legal holidays, during such hours as the justices of special sessions in their respective divisions, by public rule shall determine, and one of said justices shall be in attendance who shall possess and exercise, as to all matters arising in said court, all the powers and jurisdiction now conferred on city magistrates, and, unless an objection shall be interposed by the prosecution or the defense at or before the time the defendant, or defendants, are called upon to plead to a charge graded, or permitted by law, as a misdemeanor, all the powers and jurisdiction of a court of special sessions.

3. If an objection be interposed, as provided for in the preceding subdivision, or thereafter if permitted by the justice presiding, the case shall be adjourned to some future day, when either in the same building or at the main court as the justice of special sessions shall regulate, a trial may be had before three justices.

4. Any order, determination or judgment of one of said justices when sitting alone, pursuant to the foregoing provisions, or any two of said justices when three are sitting, shall be the order, determination or judgment of said children's court sitting as a court of special sessions.

5. Section fourteen hundred and twelve, as to the adoption of rules, is hereby extended so as to cover said children's courts.

§ 4. The board of estimate and apportionment of the city of New York shall make provisions for the establishment and maintenance of a children's court in the borough of Brooklyn, including the salary of the additional justice as herein authorized, and any additional amount, including the salary of the additional justice, shall be determined under the provisions of the charter and shall be added to and included in the final estimate for the year nineteen hundred and three, and shall be collected by tax from the estates, real and personal, subject to taxation in the city of New York.

§ 5. All acts and parts of acts, not inconsistent with the provisions of this act shall apply to and govern the jurisdiction and proceedings in said children's court; and all acts and parts of acts inconsistent with the provisions of this act are hereby repealed, so far as they or either of them affect a court exclusively for children. (*Added by chapter 590 of the Laws of 1902 and amended by chapter 159 of the Laws of 1903.*)

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#### PROBATIONARY OFFICERS.

AN ACT to amend the code of criminal procedure, relating to the appointment of probationary officers and defining their duties.

Chapter 372, Laws of 1901.

§ 11-a. 1. The justices of the courts having original jurisdiction of criminal actions in the state, shall from time to time appoint a person or persons to perform the duties of probation officer or officers as hereinafter described, within the jurisdiction and under the direction of said court or justice, to hold such office during the pleasure of the court or justice making such appointment. Such probation officer or officers may be chosen from among the officers of a society for the prevention of cruelty to children or of any charitable or benevolent institution, society or association now or hereafter duly incorporated under the laws of this state, or be reputable private citizens, male or female. Any officer or member of the police force of any city or incorporated village who may be detailed to do duty in such

courts, or any constable or peace officer, may be employed as probation officer upon the order of any court or justice as herein provided. No probation officer appointed under the provisions of this section shall receive compensation for his services as such probation officer until allowed by proper municipal ordinance or resolution, as hereinafter prescribed, but this shall not be construed to deprive any officer or member of the police force, or any constable or peace officer, appointed probation officer as herein provided, from receiving the salary or compensation attached to his said official employment. The board of estimate and apportionment in the city of New York and the appropriate municipal board or body of any other city or village, may, in their discretion determine whether probation officers, not detailed from other branches of the public service, shall receive a salary, and if they shall so determine, they may fix the amount thereof and provide for its payment. (*As amended by chapter 613 of the Laws of 1903, chapter 508 of the Laws of 1904, and chapter 656 of the Laws of 1905.*)

2. Every probation officer or officers so appointed shall when so directed by the court, inquire into the antecedents, character and offense of any person or persons arrested for a crime within the jurisdiction of the court appointing him, and shall report the same to the court. It shall be his duty to make such reports of all cases investigated by him, of all cases placed in his care by the court, and of any other duties performed by him in the discharge of his office, as shall be prescribed by the court or justice making the appointment, or his successor, or by the court or justice assigning the case to him, or his successor, which report shall be filed, with the clerk of the court, or where there is no clerk, with the justice thereof. He shall furnish to each person released on probation, committed to his care, a written statement of the terms and conditions of his probation, and shall report to the court or justice appointing him, at least monthly, any violation or breach of the terms and conditions imposed by the court, of the persons placed in his care. Such probation officer shall have, as to the persons so committed to their care, the powers of a peace officer, and shall require such persons to report to them as may be directed by the court. (*As amended by chapter 613 of the Laws of 1903.*)

§ 483. Court may summarily inquire into circumstances in aggravation or mitigation of punishment.—After a plea or verdict of guilty, in a case where a discretion is conferred upon the court as to the extent of the punishment, the court may, in its discretion, hear the same summarily at a specified time, and upon such notice to the adverse party as it may direct. At such specified times, if it shall appear by the record and the circumstances of any person convicted of crime, that there are circumstances in mitigation of the punishment, the court shall have power, in its discretion, to place the defendant on probation in the manner following:

1. The court upon suspending sentence, may place such person on probation during such suspension under the charge and supervision of the probation officer appointed by said court. When practicable, any child under the age of sixteen years, placed on probation, shall be placed with a probation officer of the same religious faith as that of the child's parents. The parents, guardian or master of such child, if the child has any, shall be summoned by the magistrate to attend any examination or trial of such child and to be present in court when the child is placed on probation and informed by the court of the action taken in such case.

2. If the judgment is to pay a fine and that the defendant be imprisoned until it is paid, the court upon imposing sentence may direct that the execution of the sentence of imprisonment be suspended for such period of time, and on such terms and conditions as it shall determine, and shall place such defendant on probation under the charge and supervision of a probation officer during such suspension, provided, however, that upon payment of the fine being made, the judgment shall be satisfied and the probation cease.

3. At any time during the probationary term of a person convicted and released on probation in accordance with the provisions of this section, the court before which, or the justice before whom, the person so convicted was convicted, or his successor, may in its or his discretion, revoke and terminate such probation. Upon such revocation and termination, the court may, if the sentence has been suspended, pronounce judgment at any time thereafter within the longest period for which the defend-

and might have been sentenced, or, if judgment has been pronounced and the execution thereof has been suspended, the court may revoke such suspension, whereupon the judgment shall be in full force and effect for its unexpired term.

*(As amended by chapter 613 of the Laws of 1903, and chapter 656 of the Laws of 1905.)*

§ 487. If the judgment be imprisonment, or a fine and imprisonment until it is paid, the defendant must forthwith be committed to the custody of the proper officer, and by him detained, until the judgment be complied with. Where, however, the court has suspended sentence or where after imposing sentence, the court has suspended the execution thereof and placed the defendant on probation, as provided in section four hundred and eighty-three of the code of criminal procedure, the defendant must forthwith be placed under the care and supervision of the probation officer of the court committing him, until the expiration of the period of probation and the compliance with the terms and conditions of the sentence or of the suspension thereof. Where, however, the probation has been terminated, as provided in paragraph four of section four hundred and eighty-three of the code of criminal procedure, and the suspension of the sentence or of the execution revoked, and the judgment pronounced, the defendant must forthwith be committed to the custody of the proper officer and by him detained until the judgment be complied with. *(As amended by chapter 613 of the Laws of 1903.)*

§ 554. . . . .

Subdivision 4. Whenever a child under the age of sixteen years is arrested charged with any offence except a felony or a crime which if committed by an adult would be a felony, a captain or sergeant or acting sergeant of police, in any city may accept, in lieu of bail, the personal recognizance in writing, without security, of a parent, guardian or other lawful custodian of such child, to produce such child before the proper court or magistrate on the following day, at a time and place to be specified in said recognizance; and thereupon he shall place said child in the care and custody of the person executing the same who, on failure to so produce said child, pursuant to the terms of such recognizance, shall be liable to punishment by the court or magistrate, as for a criminal contempt in the manner provided

in the code of civil procedure. A similar recognizance may be taken by the court or magistrate for the subsequent production of such child at a time and place to be specified therein, pending the final termination of the proceedings, and noncompliance therewith shall subject the person giving the same to the same punishment. Such failure to produce the child shall in either case vacate the said recognizance and warrant the immediate arrest of the child by order of the court or magistrate. But nothing in this act contained shall authorize the acceptance of such personal recognizance for the production of a child who has been the subject of a crime or a witness to its commission by another. (*As amended by chapter 656 of the Laws of 1905.*)

§ 941. Within ten days after the adjournment of any criminal court of record in this state, the district attorney of the county in which the court shall be held, shall furnish to the clerk of the county a certified statement containing the names of all persons convicted of crime in said court; the crime for which convicted; whether the conviction was upon a trial or upon a plea of guilty and whether sentence was suspended or the defendant placed on probation; the cases in which counsel were assigned by the court to defend the defendant; the sex, age, nativity, residence and occupation of the defendant; whether married or single; the degree of education and religious instruction; whether parents are living or dead; whether temperate or intemperate, and whether before convicted or not of any crime, and any other information regarding them as may seem to him expedient. If necessary in order to obtain information of these facts, the defendant may be interrogated upon oath in court by the district attorney before judgment is pronounced. He shall also furnish to the clerk of the court a certified statement containing the names of all probation officers appointed by the court, with their addresses and date of appointment.

§ 942. The clerk or the deputy clerk of the court of special sessions in the city and county of New York shall on or before the first day of February, eighteen hundred and ninety-five, and quarterly thereafter, transmit to the secretary of state a tabulated and certified statement, in the form prescribed by the secretary of state, containing the name of every person convicted of a crime, of every person against whom sentence was suspended, and of .



every person placed on probation in such court, after October thirty-first, eighteen hundred and ninety-four, and since the date of the closing of each last preceding quarterly report; a description of the offense of which such person was convicted; whether the conviction was upon a trial or upon a plea of guilty; and the date of the conviction; and also a certified statement containing the names of all probation officers appointed by the court, with their address and date of appointment. The police clerks of the city magistrates of the city of New York, shall on or before February first, nineteen hundred and one, and annually thereafter, transmit to the secretary of state, a tabulated statement made from their records, showing the number of males and females convicted of crime during each month in the preceding quarter in the several courts of such city magistrates; the number convicted of each offense, the number sentenced, the number fined, the number of those against whom sentence was suspended, and the number placed on probation; and shall also furnish a certified statement containing the names of all probation officers appointed by the magistrates, with their address and date of appointment. Such statements shall be in the form prescribed by the secretary of state.

§ 943. On or before the first day of February, eighteen hundred and ninety-five, and quarterly thereafter, the clerk of each county shall transmit to the secretary of state a tabulated and certified statement, in the form prescribed by the secretary of state, of all the matters contained in the statements filed with such clerks by the district attorney of such county after October thirty-first, eighteen hundred and ninety-four; and of the name of each person shown to be convicted by a court of special sessions by the certificate of conviction filed with him by magistrates holding courts of special sessions after October thirty-first, eighteen hundred and ninety-four, and since the date of the closing of each last preceding quarterly report made after October thirty-first, eighteen hundred and ninety-four, and showing the offense for which each person was so convicted; whether the conviction was upon a trial or upon a plea of guilty; the sentence imposed, whether the sentence was suspended, and whether the defendant was placed on probation. Said certified statement shall also contain the names of all probation officers

appointed by said courts of special sessions, with their address and the date of their appointment.

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§ 946. The secretary of state shall cause this title to be published with forms and instructions for the execution of the duties therein prescribed, and copies thereof to be furnished annually to each county clerk. The forms furnished by the secretary of state as herein provided, shall contain in tabulated form, the nature of every offense upon which a conviction was had, the court before which the defendant was convicted, the character of the sentence imposed, the cases where defendant had been previously convicted, the cases where sentence was suspended, the cases where the defendant was placed upon probation, and the cases where probation was revoked, together with the age, sex, nativity and residence of the defendant. And a sufficient number of the copies of this title, and of such instructions, and of the forms to be used by the district attorney, or clerk or deputy clerk of the court of special sessions of the city and county of New York, shall also be furnished to each clerk to enable him to furnish at least one copy thereof annually to the district attorney, and the clerk of the court of special sessions of the city and county of New York and the county clerk shall distribute the copies of this title and of such forms and instructions accordingly, and when said county clerk is not a salaried officer his disbursements and compensation for his services under this act shall be a county charge. The expense of the secretary of state in publishing this title and distributing copies thereof, and of such forms and instructions as are herein required, shall be paid by the treasurer of the state, upon the warrant of the comptroller, from moneys in the treasury not otherwise appropriated.

Chapter 382, Laws of 1902.

AN ACT to provide for the appointment of a female probation officer in the court of special sessions of the first division of the city of New York, and to compensate her for such services.

Section 1. The justices of the court of special sessions of the first division of the city of New York are hereby empowered to appoint a female probation officer in that court.

**CONSTITUTIONAL PROVISIONS, LAWS, BY-LAWS AND RULES. 603**

§ 2. By and with the consent and concurrence of the board of estimate and apportionment, the justices of this court may fix the compensation of such probation officer at a sum not exceeding one thousand two hundred dollars per annum, payable in equal monthly installments.

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**PROBATION OFFICERS IN THE CITY OF BUFFALO.**

AN ACT to amend chapter one hundred and five of the laws of the year eighteen hundred and ninety-one, entitled "An act to revise the charter of the city of Buffalo," in relation to the police justice.

Chapter 627, Laws of 1901.

Section 1. Chapter one hundred and five of the laws of the year eighteen hundred and ninety-one, entitled "An act to revise the charter of the city of Buffalo," is hereby amended by adding therein after section three hundred and eighty-four-a two new sections to be known as sections three hundred and eighty-four-b and three hundred and eighty-four-c, to read as follows:

§ 384-b. Probation officers.—The police justice shall have authority to appoint or designate not more than five discreet persons of good character to serve as probation officers during the pleasure of the police justice; said probation officers to receive no compensation from the public treasury. Whenever any child under or apparently under the age of sixteen years shall have been arrested, it shall be the duty of said probation officers to make such investigation as may be required by the court, to be present in court in order to represent the interests of the child; when the case is heard to furnish to the police justice such information and assistance as he may require, and to take charge of any child before and after trial as may be directed by the court.

§ 384-c. Whenever any such child is found guilty or pleads guilty to the commission of any crime or misdemeanor before the police justice, the said police justice may in his discretion suspend sentence during the good behavior of the child so convicted. The child so convicted may be placed in the care of said probation officer for such time not to exceed three months

and upon such conditions as may seem proper. Said probation officers shall have the power to bring the child so convicted before the police justice at any time within three months from the date of conviction for such disposition as may be just. When practicable said child shall be placed with a probation officer of the same religious faith as that of the child's parents.

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**CHILDREN'S COURT AND PROBATION OFFICERS,  
ROCHESTER.**

AN ACT to amend chapter fourteen of the laws of eighteen hundred and eighty, entitled "An act to further amend chapter one hundred and forty-three of the laws of eighteen hundred and sixty-one, entitled 'An act to amend and consolidate the several acts in relation to the charter of the city of Rochester,' and to consolidate therewith the several acts in relation to the charter of said city."

**Chapter 543, Laws of 1905.**

Section 1. Section two hundred and sixty-five of chapter fourteen of the laws of eighteen hundred and eighty, as amended by chapter five hundred and sixty-one of the laws of eighteen hundred and ninety, is hereby amended so as to read as follows:

§ 265. All cases involving the commitment or trial of children actually or apparently under the age of sixteen years for any violation of law or ordinance before the police justice or police court of the city of Rochester, shall be heard and determined in a separate courtroom, to be known as the children's courtroom, and separate and apart from the trial of other criminal cases, of which session a separate docket and record shall be kept. Whenever a child actually or apparently under the age of sixteen years is taken into custody in the city of Rochester, such child shall be arraigned in the children's courtroom and shall not be taken knowingly to that part of the police court where other criminal trials are had; and if through an inadvertence any such child shall be brought before that part of the police court, as soon as the age of such child is discovered the hearing of the case shall be transferred to, and the case shall be heard and determined in, the

children's courtroom. The police justice and the police court of the city of Rochester shall have power to impose or suspend sentence or to remit to probation pursuant to law. The commissioner of public safety of the city of Rochester may appoint such number of probation officers, to hold office during his pleasure, at a salary fixed by the board of estimate and apportionment, as may be prescribed by the said board of estimate and apportionment, which number may be increased or diminished at any time by said board of estimate and apportionment, and may include one or more female probation officers if so determined by said board of estimate and apportionment. The said police justice may appoint from time to time, to serve at his pleasure and without compensation, such additional number of probation officers as he may deem desirable. Whenever the board of estimate and apportionment of the city of Rochester shall so determine, there shall be an additional police justice of said city, to be known as judge of the children's court, whose term of office shall be six years, and who shall receive an annual salary to be fixed by the board of estimate and apportionment at not less than twenty-five hundred dollars per annum. Immediately after such determination by the board of estimate and apportionment, the mayor shall appoint a judge of the children's court to serve until the first day of January following the next city election, at which election a judge of the children's court shall be elected. The judge of the children's court shall have all the powers and jurisdiction now or hereafter conferred upon the police justice of the city of Rochester, and the court held by him shall be a part of the police court of said city, with all the powers and jurisdiction now or hereafter conferred upon said court. It shall be the duty of the judge of the children's court to preside over and to hold the children's part of the police court of the city of Rochester, and to be present at the children's courtroom at such times and for such hours as the public interests may require, and he shall perform such other duties now or hereafter imposed upon the police justice of said city as may be directed by the common council. (*As amended by chapter 317 of the Laws of 1906.*)

## THE MEMBERSHIP CORPORATIONS LAW.

Chapter 559, Laws of 1895.

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## ARTICLE I.

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Section 12. Prohibitions on officers.—No director or other officer of a membership corporation hereafter created shall receive, directly or indirectly, any salary, compensation or emolument from such corporation, either as such officer or director or in any other capacity, unless authorized by the by-laws of the corporation, or by the concurring vote of two-thirds of the directors. No director or other officer of a membership corporation hereafter created shall be interested, directly or indirectly, in any contract relating to the operations conducted by the corporation, nor in any contract for furnishing supplies thereto, unless expressly authorized by the by-laws of the corporation, and by the concurring vote of all the directors. The foregoing provisions of this section shall also apply after January first, eighteen hundred and ninety-six, to every membership corporation now existing and heretofore created under any law repealed by this chapter, and until such date the restrictions of law now existing as to such compensation and contracts shall continue applicable to the directors and other officers of such corporation.

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## ARTICLE II.

## CORPORATIONS FOR PURPOSES NOT ELSEWHERE AUTHORIZED.

§ 30. Purposes for which corporations may be formed under this article.—A membership corporation may be created under this article for any lawful purpose, except a purpose for which a corporation may be created under any other article of this chapter, or any other general law than this chapter.

§ 31. Certificates of incorporation.—Five or more persons may become a membership corporation for any of the purposes for which a corporation may be formed under this article or for any two or more of such purposes of a kindred nature, by making, acknowledging and filing a certificate, stating

(a.) *The particular objects for which the corporation is to be formed, each of which must be such as is authorized by this article;*

(b.) *The name of the proposed corporation;*

(c.) *The territory in which its operations are to be principally conducted;*

(d.) *The town, village or city in which its principal office is to be located, if it be then practicable to fix such location;*

(e.) *The number of its directors, not less than three nor more than thirty;*

(f.) *The names and places of residence of the persons to be its directors until its first annual meeting;*

(g.) *And the times for holding its annual meetings.*

Such certificate shall not be filed without the written approval, indorsed thereupon or annexed thereto, of a justice of the supreme court. If such certificate specify among such purposes the care of orphan, pauper or destitute children, the establishment or maintenance of a maternity hospital or lying-in asylum where women may be received, cared for or treated during pregnancy or during or after delivery, or for boarding or keeping nursing children, the written approval of the state board of charities shall also be indorsed thereupon or annexed thereto, before the filing thereof.

On filing such certificate, in pursuance of law, the signers thereof, their associates and successors, shall be a corporation in accordance with the provisions of such certificate.

Any corporation heretofore or hereafter organized under this article for the purpose of gathering, obtaining and procuring information and intelligence, telegraphic or otherwise for the use and benefit of its members, and to furnish and supply the same to its members for publication in newspapers owned or represented by them may admit as members thereof, other corporations, limited liability companies, joint stock and other associations, partnerships and individuals engaged in the same business or in the publication of newspapers, periodicals or other publications, upon such terms and conditions, not inconsistent with law or with its certificate of incorporation, as may be prescribed in its by-laws. (*As amended by chapter 205 of the Laws of 1897, § 1, and chapter 436 of the Laws of 1901.*)

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## ARTICLE VI.

## HOSPITAL CORPORATIONS.

Section 80. Certificate of incorporation.—Five or more persons may become a corporation for the purpose of erecting, establishing or maintaining a hospital, infirmary, dispensary, or home for invalids, aged or indigent persons, by making, acknowledging and filing a certificate, stating

(a.) *The particular object for which the corporation is to be formed;*

(b.) *The name of the proposed corporation;*

(c.) *The town, village or city in which its principal office is to be located;*

(d.) *The number of directors, not less than three nor more than forty-eight;*

(e.) *The names and places of residence of the persons to be its directors until its first annual meeting; and*

(f.) *The time for holding its annual meetings.*

Such certificate may also specify the qualification of members of the corporation with respect to their adherence or non-adherence to a particular school or theory of medical or surgical treatment; and the systems of medical practice or treatment to be used or applied in such hospitals, infirmary, dispensary or home.

Such certificate shall not be filed without the written approval indorsed thereupon, or annexed thereto, of the state board of charities and of a justice of the supreme court of the district in which the principal office or place of business of such corporation shall be located.

On filing such certificate, in pursuance of law, the signers thereof, their associates and successors, shall be a corporation, in accordance with the provisions of such certificate. (*As amended by chapter 404 of the Laws of 1900.*)

CERTIFICATES OF INCORPORATION TO BE IN ENGLISH.  
THE GENERAL CORPORATION LAW.

Chapter 687, Laws of 1892.

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§ 5. Filing and recording certificates of incorporation.—Every certificate of incorporation including the corporate name or title



and every amended or supplemental certificate, and every certificate which alters the provisions of any certificate of incorporation or any amended or supplemental certificate, hereafter executed shall be in the English language, and except of a religious, cemetery, moneyed, municipal or fire department corporation, shall be filed in the office of the secretary of state, and shall be by him duly recorded and indexed in books specially provided therefor, and a certified copy of such certificate or amended or supplemental certificate with a certificate of the secretary of state of such filing and record, or a duplicate original of such certificate or amended or supplemental certificate shall be filed and similarly recorded and indexed in the office of the clerk of the county in which the office of the corporation is to be located, or, if it be a non-stock corporation, and such county be not determined upon at the time of executing the certificate of incorporation, in such county clerk's office as the judge-approving the certificate shall direct. All taxes required by law to be paid before or upon incorporation and the fees for filing and recording such certificate must be paid before filing. No corporation shall exercise any corporate powers or privileges until such taxes and fees have been paid. (*As amended by chapter 285 of the Laws of 1902.*)

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AN ACT IN RELATION TO TAXATION, CONSTITUTING CHAPTER TWENTY-FOUR OF THE GENERAL LAWS.

Chapter 908, Laws of 1896.

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§ 4. Exemption from taxation.—The following property shall be exempt from taxation:

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7. The real property of a corporation or association organized exclusively for the moral or mental improvement of men or women, or for religious, bible, tract, charitable, benevolent, missionary, hospital, infirmary, educational, scientific, literary, library, patriotic, historical or cemetery purposes, or for the enforcement of laws relating to children or animals, or for two or more of such purposes, and used exclusively for carrying out thereupon one or more of such purposes, and the personal property

## ARTICLE VI.

## HOSPITAL CORPORATIONS

Section 80. Certificate of incorporation of persons may become a corporation for the establishing or maintaining a hospital, infirmary, home for invalids, aged or indigent persons, or for editing and filing a certificate, stating

(a.) *The particular object for which the corporation is formed;*

(b.) *The name of the proposed corporation;*

(c.) *The town, village or city in which the corporation is to be located;*

(d.) *The number of directors, not less than forty-eight;*

(e.) *The names and places of residence of the directors until its first annual meeting; and*

(f.) *The time for holding its annual meeting.*

Such certificate may also specify the qualifications of the corporation with respect to their adherence to a particular school or theory of medicine; and the systems of medical practice or treatment or applied in such hospitals, infirmary, dispensary.

Such certificate shall not be filed without the indorsement thereupon, or annexed thereto, of the board of charities and of a justice of the supreme court in which the principal office or place of business of the corporation shall be located.

On filing such certificate, in pursuance of the provisions thereof, their associates and successors, shall be bound to comply with the provisions of such certificate. (by chapter 404 of the Laws of 1900.)

CERTIFICATES OF INCORPORATION TO FORM  
THE GENERAL CORPORATION LAW

Chapter 687, Laws of 1892.

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§ 5. Filing and recording certificates of incorporation including the corporation certificate of incorporation including the corporation

of any such corporation shall be exempt from taxation. But no such corporation or association shall be entitled to any such exemption if any officer, member or employee thereof shall receive or may be lawfully entitled to receive any pecuniary profit from the operations thereof, except reasonable compensation for services in effecting one or more of such purposes, or as proper beneficiaries of its strictly charitable purposes; or if the organization thereof, for any such avowed purposes be a guise or pretense for directly or indirectly making any other pecuniary profit for such corporation or association, or for any of its members or employees, or if it be not in good faith organized or conducted exclusively for one or more of such purposes. The real property of any such corporation or association entitled to such exemption held by it exclusively for one or more of such purposes and from which no rents, profits or income are derived, shall be so exempt, though not in actual use therefor by reason of the absence of suitable buildings or improvements thereon, if the construction of such buildings or improvements is in progress, or is in good faith contemplated by such corporation or association; or if such real property is held by such corporation or association upon condition that the title thereto shall revert in case any building not intended and suitable for one or more of such purposes shall be erected upon said premises or some part thereof. The real property of any such corporation not so used exclusively for carrying out thereupon one or more of such purposes but leased or otherwise used for other purposes, shall not be exempt, but if a portion only of any lot or building of any such corporation or association is used exclusively for carrying out thereupon one or more such purposes of any such corporation or association, then such lot or building shall be so exempt only to the extent of the value of the portion so used, and the remaining or other portion, to the extent of the value of such remaining or other portion, shall be subject to taxation; provided, however, that a lot or building owned and actually used for hospital purposes, by a free public hospital, depending for maintenance and support upon voluntary charity shall not be taxed as to a portion thereof leased or otherwise used for the purposes of income, when such income is necessary for, and is actually applied to the maintenance and support of such hospital and further provided that the real property of any fraternal

corporation, association or body created to build and maintain a building or buildings for its meeting or meetings of the general assembly of its members, or subordinate bodies of such fraternity and for the accommodation of other fraternal bodies or associations, the entire net income of which real property is exclusively applied or to be used to build, furnish and maintain an asylum or asylums, a home or homes, a school or schools, for the free education or relief of the members of such fraternity, or for the relief, support and care of worthy and indigent members of the fraternity, their wives, widows or orphans, shall be exempt from taxation. Property held by any officer of a religious denomination shall be entitled to the same exemptions, subject to the same conditions and exceptions, as property held by a religious corporation. (*As amended by chapter 204 of the Laws of 1903, and chapter 336 of the Laws of 1906.*)

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## FIRE LAWS AND ORDINANCES.

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### I. Laws Relating to Fire Protection in Charitable Institutions.

AN ACT to protect the lives of the inmates of public buildings of state institutions and to protect said buildings against destruction by fire.

Chapter 535, Laws of 1895.

Section 1. It shall be the duty of each superintendent or chief executive officer of each of the public institutions of the state, supported wholly or partly by the funds of the state, to provide, that the following regulations for the protection of the inmates of said buildings and the buildings be complied with: There shall be provided a sufficient number of stand-pipes, with connections or outlets on each floor, to which a length of fire hose shall be attached, to properly protect the entire floor surface. All fire hose must be tested at least once in three months under the direction of the engineer, and employes must be trained in its use. Not less than six portable fire-extinguishers for each floor of each building, hand grenades and fire-pails kept constantly filled with

water and used for no other purpose shall be provided. Bath-tubs shall be kept filled with water during the night and pails ready for use placed near them. Suitable steps must be provided under windows used as exits to fire-escapes and all fire-escapes must be properly inclosed with wire netting. Wards of the state, if physically and mentally able, must be required occasionally to go up and down the outside iron stairways which must be provided in order to become accustomed to their use. If gas is used, the pressure shall be regulated by governor that the flow may be as nearly uniform as possible. All swinging gas jets in closets, clothes rooms, employes' rooms and in rooms occupied by wards of the state must be protected by wire screens. Gas stoves must be used only when absolutely necessary, and if used must be suitably inclosed with metal. Kerosene oil must not be used for lighting purposes unless the institution is not fully provided with gas or electric lights; and if such oil is used it must be of the highest fire test commercially obtainable. Candles must only be used in an emergency, and on the express authorization of the superintendent or chief executive officer. None but safety matches, or those which can be used only on a specially prepared surface, must be allowed in or about the institution, and, so far as possible, matches should be dispensed with and electric torches be supplied. All lanterns must be kept outside the buildings used for sleeping purposes, in charge of one person, who must regularly clean, replenish and distribute them. Painters' supplies and inflammable liquids of all kinds must not be stored in buildings occupied by wards of the state or employes. When oil or other inflammable substance is applied to floors, it must be applied only by persons skilled in its application, and all articles used in applying such inflammable material must be carefully destroyed after use. All attics and basements must be constantly kept free from rubbish or articles not necessary to the proper conduct of the institution, and must be regularly swept, cleaned and all broken or needless articles promptly removed.

§ 2. The moneys necessary to carry out the provisions of this act shall be supplied from the moneys annually appropriated for the maintenance of the above-described institutions.

AN ACT to protect human life.

Chapter 381, Laws of 1895.

Section 1. All hospital buildings used for general hospital purposes, or hospitals or asylums for the insane, or any hospital buildings which are more than two stories high, other than those which are fireproof in their construction shall have properly constructed iron stairways on the outside thereof, with suitable doorways leading thereto from each story above the first, for use in case of fire. It shall be the duty of the trustees, managers, owners or proprietors of such hospitals or asylums to cause such stairways to be constructed and maintained. If the trustees or owners of any hospital as herein described, except those owned and maintained by a city, a county, or the state, shall fail to provide such stairways before the first day of October, eighteen hundred and ninety-six, then the local authorities shall proceed to erect such stairways, and the cost thereof may be recovered by an action at law from the property of said hospital.

§ 2. The district attorney of each county is hereby charged with the execution of this statute, except in the case of hospitals erected or maintained by the state, city or by a county.

§ 3. This act shall take effect on the first day of October, eighteen hundred and ninety-five. The provisions of this act shall not apply to any institution in any of the cities or counties of this state, which the fire department of said city or district attorney of the county shall certify in writing to be fireproof to an extent which will not require the appliances and fixtures provided for in this act. The certificate exempting institutions from the operations of this act shall be filed during the month of January in each year, in the office of the county clerk of the county.

AN ACT providing for fire drills in the schools of this state.

Chapter 201, Laws of 1901.

Section 1. It shall be the duty of the principal or other person in charge of every public or private school or educational institution within the state, having more than one hundred pupils, to instruct and train the pupils by means of drills, so that they may in a sudden emergency be able to leave the school building in the

shortest possible time and without confusion or panic. Such drills or rapid dismissals shall be held at least once in each month.

§ 2, Neglect by any principal or other person in charge of any public or private school or educational institution to comply with the provisions of this act shall be a misdemeanor punishable at the discretion of the court by a fine not exceeding fifty dollars. Such fine to be paid to the pension fund of the local fire department where there is such a fund.

§ 3. It shall be the duty of the board of education or school board or other body having control of the schools in any town or city to cause a copy of this act to be printed in the manual or handbook prepared for the guidance of teachers, where such manual or handbook is in use or may hereafter come into use.

§ 4. The provisions of this act shall not apply to colleges or universities.

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## II. Municipal Regulations in Regard to Fire Protection in Institutions.

### ALBANY.

(No ordinances specifically regulating the matter of fire protection in charitable institutions.)

### AUBURN.

#### REVISED CHARTER, TITLE XII.

§ 130. \* \* \* They (the fire commissioners) shall have the power to enter from time to time any public building within said city for the purpose of inspecting the means of exit therefrom in case of fire. Said board shall have the power to compel the owner or lessee of any such building to make such changes by way of additional means of exit or of fire-escapes or both as they shall, by order duly adopted, deem necessary, and to fix the time within which such changes shall be made. \* \* \* The said board may maintain suit in the name of "the board of fire commissioners of the city of Auburn" to enforce compliance with any order they may lawfully make on the premises.

**BINGHAMTON.**

**ARTICLE II.**

**CITY ORDINANCES.**

§ 6. \* \* \* Every factory, mill, office building, hospital or asylum, or any place where invalids are treated; every building used in whole or in part as a place of instruction or assembly, shall be provided with suitable fire-escapes or means of egress. Such fire-escapes shall be constructed of iron with suitable balconies at each point of exit from the building except that the common council by a vote of two-thirds of all members elected thereto may grant permission to any owner of a building to construct and maintain suitable and proper wooden balconies and stairways on the rear of any building, in the place of the iron fire-escapes above specified provided such building shall not exceed four stories in height. The owner of any building upon which fire-escapes may now be or may hereafter be erected, shall keep the same in good repair, and no person shall at any time place any obstruction of any kind whatever before or upon any fire-escape from any building in said city. \* \* \* Non-compliance with any of the provisions of this section shall subject the owner of the building to a penalty of fifty dollars and a further penalty of ten dollars for each and every thirty days the omission to comply with any provisions hereof shall continue, after notice by any city official to comply with the provisions of this ordinance. (*As amended July 20, 1896.*)

**BUFFALO.**

**CITY ORDINANCES.**

**CHAPTER XII.**

Section 11. All dwelling houses or blocks exceeding two stories; all buildings more than two stories in height to be used as a hotel, lodging or boarding house; every factory, mill, office building, hospital or asylum, or any place where invalids are treated; and every building used in whole or in part as a place of instruction or assembly, over two stories high, shall be provided with suitable and sufficient fire-escapes and means of egress, to be approved by the board of fire commissioners, and



to be erected and placed where and as directed by the chief or assistant or battalion chief of department; and any owner who shall hereafter erect any building of the class specified in this section, without complying herewith, shall forfeit and pay a penalty of not less than twenty-five nor more than one hundred dollars for each and every offense; and every owner of such building heretofore erected and used for any of the purposes herein specified, shall, on direction from the board of fire commissioners, cause suitable fire-escapes and stand-pipes, to be approved of by the said board, to be erected and placed on such buildings as and where directed by the chief or assistant or battalion chief of department, and in default thereof shall forfeit and pay a penalty of not less than twenty-five nor more than one hundred dollars for each and every month after such direction by said board.

#### ELMIRA.

##### CITY CHARTER, TITLE IX.

Section 167. The said board of fire commissioners shall have power and it shall be their duty \* \* \* to compel the owners and occupants of houses and other buildings to have scuttles in the roofs and stairs and ladders leading to the same; \* \* \* to compel the construction of suitable fire-escapes and means of egress from all theatres and places of amusement, hotels, churches, and factories and other buildings, and generally to establish such regulations for the prevention and extinguishment of fires and the safety of occupants of buildings, as they may deem expedient. \* \* \*

#### NEW YORK CITY.

##### GREATER NEW YORK CHARTER.

##### Chapter 378, Laws of 1897.

Lights, precautions against fire and use of aisles in places of amusement.

Section 762. All lights used in theatres and other places of public amusement, manufactories, stores, hotels, lodging-houses and in show windows shall be properly protected by globes or glass coverings, or in such other manner as the fire commissioners shall prescribe. The owners and proprietors of all

manufactories, hotels, tenement-houses, apartment-houses, office buildings, boarding and lodging-houses, warehouses, stores and offices, theatres and music halls, and the authorities or persons having charge of all hospitals and asylums, and of the public schools and other public buildings, churches and other places where large numbers of persons are congregated for purposes of worship, instruction or amusement, shall provide such means of communicating alarms of fire, accident or danger, to the police and fire departments respectively, as the fire commissioner or police board may direct, and shall also provide such fire hose, fire extinguishers, buckets, axes, fire hooks, fire doors and other means of preventing and extinguishing fires as said fire commissioner may direct. In every building used or occupied as a hotel, lodging-house, or public or private hospital or asylum, there shall be employed by the owner or proprietor, or other person or persons having the charge and management thereof, one or more watchmen, whose exclusive duty it shall be to visit every portion of such building, at regular and frequent intervals, under rules and regulations to be established by the fire commissioner, for the purpose of detecting fire or other source of danger, and giving timely warning thereof to the inmates of the building. In every room of each of said buildings there shall be posted a card, upon which shall be printed a diagram showing the exits, halls, stairways, elevators and fire-escapes, and in the halls and passageways, signs shall be posted indicating the location of the stairs and fire-escapes. In each of the said buildings there shall be placed and provided electrical or other alarms and time detectors, to be approved by the fire commissioner, by means of which the movements of said watchman may be recorded, and through which alarms of fire or other danger may be instantly communicated, by means of bells or gongs, to every portion of the building. Said electrical apparatus, and all other appliances placed or kept within any of said buildings for the purpose of preventing or extinguishing fires, or for affording means of escape therefrom in case of fire, shall be kept at all times in good working order and proper condition for immediate use, and any member of the uniformed force of said department may enter any of the said buildings at any time for the purpose of inspecting said apparatus or appliances.

Transactions of fire department from March 3 to 8, 1902, inclusive.

The following was adopted and is hereby published as the general requirements of the fire commissioner of the city of New York established by virtue of section 762 of the Greater New York Charter, as to means of preventing and extinguishing fires in buildings of certain classes.

Hotels, lodging-houses, public or private hospitals or asylums shall provide:

One or more watchmen whose exclusive duty it shall be to visit every portion of the building at regular and frequent intervals, for the purpose of detecting fire or other source of danger, and giving timely warning thereof to the inmates of the building.

A time detector, by means of which the movements of said watchman may be recorded.

Electrical or other alarms through which alarms of fire and other danger may be instantly communicated by means of bells or gongs to every portion of the building.

Provide means of communicating alarms of fire, accident or danger to the fire department, and maintain the same in good working order.

Iron balcony fire-escapes (having one or more windows leading thereto from each room) having direct access to the ground, or rope fire-escapes in each of said rooms.

Cards in each room with diagram printed thereon, showing the exits, halls, stairways, elevators and fire-escapes.

Signs in halls and passageways indicating the location of stairs and fire-escapes, which signs shall be illuminated at night with lights having red globes or coverings.

Metal buckets filled with water at all times, and hooks and axes for fire use only, to be kept where directed by the officer serving notice.

Electrical apparatus and all other appliances placed or kept within any of said buildings for the purpose of preventing or extinguishing fires, or for affording means of escape therefrom in case of fire, shall be kept at all times in good working order and proper condition for immediate use.

THE BUILDING CODE OF THE CITY OF NEW YORK.

\* \* \* \* \*

§ 103. Fire-escapes.—Every dwelling-house occupied by or built to be occupied by three or more families, and every building already erected, or that may hereafter be erected, more than three stories in height, occupied and used as a hotel or lodging-house, and every boarding-house having more than fifteen sleeping rooms above the basement story, and every factory, mill, manufactory or workshop, hospital, asylum or institution for the care or treatment of individuals, and every building three stories and over in height used or occupied as a store or work-room, and every building in whole or in part occupied or used as a school or place of instruction or assembly, and every office building five stories or more in height, shall be provided with such good and sufficient fire-escapes, stairways, or other means of egress in case of fire as shall be directed by the department of buildings; and said department shall have full and exclusive power and authority within said city to direct fire-escapes and other means of egress to be provided upon and within said building or any of them. The owner or owners of any building upon which a fire-escape is erected shall keep the same in good repair and properly painted. No person shall at any time place any incumbrance of any kind whatsoever before or upon any fire-escape, balcony or ladder. It shall be the duty of every fireman and policeman who shall discover any fire-escape, balcony or ladder of any fire-escape incumbered in any way, to forthwith report the same to the commanding officer of his company or precinct, and such commanding officer shall forthwith cause the occupant of the premises or apartment to which said fire-escape, balcony or ladder is attached or for whose use the same is provided, to be notified either verbally or in writing, to remove such incumbrance and keep the same clear. If said notice shall not be complied with by the removal, forthwith, of such incumbrance, and keeping said fire-escape, balcony or ladder free from incumbrance, then it shall be the duty of said commanding officer to apply to the nearest police magistrate for a warrant for the arrest of the occupant or occupants of the said premises or apartment of which the fire-escape forms a part, and the said parties shall be brought before the said magistrate, as for a misdemeanor; and, on con-

viction, the occupant or occupants of said premises or apartment shall be fined not more than ten dollars for each offense, or may be imprisoned not to exceed ten days, or both, in the discretion of the court. In constructing all balcony fire-escapes, the manufacturer thereof shall securely fasten thereto, in a conspicuous place, a cast-iron plate having suitable raised letters on the same, to read as follows: Notice: Any person placing any incumbrance on this balcony is liable to a penalty of ten dollars and imprisonment for ten days. All buildings requiring fire-escapes shall have stationary iron ladders leading to the scuttle opening in the roof thereof, and all scuttles and ladders shall be kept so as to be ready for use at all times. If a bulkhead is used in place of a scuttle, it shall have stairs with sufficient guard or hand-rail leading to the roof. In case the building shall be a tenement house, the door in the bulkhead or any scuttle, shall at no time be locked, but may be fastened on the inside by movable bolts or hooks.

(Revised from *New York City Consolidation Act, chapter 410, of the Laws of 1882, § 498, as amended by chapter 275 of the Laws of 1892, § 34.*)

\* \* \* \* \*

The powers conferred upon the municipal authorities to require the construction of fire-escapes are clearly constitutional, and are not obnoxious to the objections that the party affected is deprived of his property without due process of law. *Supreme Court, October, 1884, Fire Dept. v. Sturtevant, 33 Hun, 407.*

The power to require the erection of fire-escapes being given to the building department in direct terms, it must be exercised by the department as such.

The statute is not satisfied with the action and direction of one of the subordinate bureaus or subordinate bureaus or officers of the department. *Supreme Court, October, 1884, Fire Dept. v. Sturtevant, 33 Hun, 407, followed in Supreme Court, June, 1898, Greenhaus v. Alter, 30 App. Div. 585.*

§ 105. Fireproof buildings.—Every building hereafter erected or altered, to be used as a hotel, lodging-house, school, theatre, jail, police station, hospital, asylum, institution for the care or treatment of persons, the height of which exceeds thirty-five feet, excepting all buildings for which specifications and plans have been heretofore submitted to and approved by the department of buildings, and every other building the height of which exceeds seventy-five feet, except as herein otherwise provided, shall be built fireproof, that is to say, they shall be constructed with walls of brick, stone, Portland cement concrete, iron or steel, in which wood beams or lintels shall not be placed, and in which the

floors and roofs shall be of materials provided for in section one hundred and six of this code. The stairs and staircase landings shall be built entirely of brick, stone, Portland cement concrete, iron or steel. No woodwork or other inflammable material shall be used in any of the partitions, furrings or ceilings in any such fireproof buildings, excepting, however, that when the height of the building does not exceed twelve stories nor more than one hundred and fifty feet, the doors and windows and their frames, the trims, the casings, the interior finish when filled solid at the back with fireproof material, and the floor boards and sleepers directly thereunder, may be of wood, but the space between the sleepers shall be solidly filled with fireproof materials and extend up to the underside of the floor boards.

## ROCHESTER.

### BUILDING ORDINANCES OF 1897 WITH AMENDMENTS.

#### CHAPTER IV.

§ 7. All buildings hereafter erected to be used as hotels, hospitals, asylums, or institutions for the care or treatment of persons, or used in whole or in part as a public school the height of which exceeds thirty-five feet, shall be fireproof.

#### CHAPTER VI.

§ 141. All buildings in said city wherein manufactories are conducted, and all buildings now erected, or that hereafter may be erected, more than three stories in height, occupied by, or built to be occupied by, three or more families above the first story, and every building already erected, or that hereafter may be erected, more than three stories in height, occupied or used as a hotel, lodging-house, or boarding-house having more than fifteen rooms, and every factory, mill, office building, manufactory or workshop, hospital, asylum or institution for the care or treatment of individuals, and every building in whole or in part occupied or used as a school or place of instruction or assembly, shall have constructed thereon good and suitable fire-escapes, and such other means of egress in case of fire, as the common council may direct.

§ 142. The owners or occupants of all buildings mentioned in the preceding section shall have scuttles on the roofs of such

buildings, and shall cause to be constructed and maintained stationary iron stairs or ladders leading to said scuttles, which scuttles and stairs shall be kept ready for use at all times.

§ 144. All fire-escapes shall be connected with each floor above the first, well fastened and secured, and of sufficient strength, and shall have landings or balconies not less than six feet in length and three feet in width, guarded by iron railings not less than three feet in height, and embracing at least two windows at each story, and connected with the interior by easily accessible and unobstructed openings and the balconies or landings shall be connected by iron stairs not less than twenty-four inches wide, the steps not to be less than six inches tread, placed at an angle of not more than forty-five degrees slant, and protected by a well secured hand rail on both sides, with a suitable twelve-inch-wide drop-ladder from the ladder platform reaching to the ground. The windows or doors to each fire-escape shall be located as far as possible, consistent with accessibility from the stairways and elevator hatchways or openings and the ladders thereof shall extend to the roof.

§ 145. Any other plan or style of fire-escape shall be sufficient if approved by the fire marshal of said city, but if not so approved the fire marshal may notify the owner, proprietor or lessee of said building, in writing, that such other plan or style of fire-escape is not sufficient, and may by an order in writing require one or more fire-escapes, as he shall deem necessary and sufficient, to be provided for said building, at such location and of such plan and style as shall be specified in such written order, not, however, in conflict with the provisions of this ordinance.

§ 146. Within twenty days after the service of the above mentioned order, the number of fire-escapes required therein for said buildings shall be provided therefor, each of which shall be either of the plan and style required in said order, or of the plan and style in this ordinance described and declared to be sufficient.

§ 147. If any person, firm or corporation, shall neglect or refuse to construct suitable fire-escapes and other means of egress in case of fire, as directed and required by this ordinance, the fire marshal shall cause such fire-escapes or means of egress to be constructed, and the expense thereof, and ten per centum in

addition, shall be collected from the person, firm or corporation required to construct such fire-escapes and means of egress.

§ 148. The owner or owners of any building upon which fire-escapes are now or hereafter may be placed or erected shall keep the said fire-escapes in good repair and well painted and no person shall at any time place any incumbrance of any kind whatever before or upon any such fire-escape.

§ 150. Every building or part thereof which shall appear to the fire marshal to be specially dangerous, by reason of bad condition of walls, overloaded floors, defective construction, lack of guards against fire, or other causes, shall be held to be unsafe; and the fire marshal shall immediately notify the owner or lessee to cause the same to be repaired, and shall also affix a notice of the dangerous character of the structure in a conspicuous place on the exterior wall of such building, and no person shall remove or deface such notice so affixed. The owner or party having an interest in the unsafe building or structure mentioned in this section, being notified thereof in writing by the fire marshal, immediately shall cause the same to be made safe and secure, and if any such building shall be used for any purpose requiring a license therefor, the mayor may revoke said license on neglect of the owner to repair said building. Where the public safety requires immediate action, the fire marshal may enter upon the premises with such assistance as may be necessary, and cause the said structure to be made secure or taken down without delay, at the expense of such owner or party interested.

#### BUILDING ORDINANCES OF 1904.

##### CHAPTER 1, ARTICLE II.

§ 46. Fire-escapes.—Outside iron stair fire-escapes or inside fire stairways herein specified shall be constructed in or upon every building more than two stories in height, not having more than one means of egress, used as a hotel, tenement-house, apartment-house, lodging-house, factory, mill, office building, hospital, asylum, school or public building. The number and location of such fire-escapes and fire stairways shall be governed by the location of the building, its style of construction, size, constructed means of egress, number of inmates and the purposes for which used.



When inside fire stairways are adopted they shall be constructed entirely of fireproof material, inclosed with fire walls and shall connect with a passageway leading directly to the street, without any connection whatever with the basement. They shall have standard fire doors, self-closing, at every landing, which doors must never be blocked or fastened. When outside fire-escapes are adopted they shall consist of open iron stairways of not more than forty-five degrees slant with steps not less than six inches in width, and twenty-four inches in length and protected by a well secured hand rail on both sides. They shall be connected with each floor above the first, well fastened and of sufficient strength, and shall have landings or balconies, not less than six feet in length and three feet in width guarded by iron railings not less than three feet in height, and embracing at least two windows at each story, connected with the interior by easily accessible and unobstructed openings. The windows or doors to each fire-escape shall be located as far as possible, consistent with accessibility, from the stairways and elevator hatchways or openings, and the ladders thereof shall extend to the roof. Drop stairs shall reach from the lowest platform to the ground, and shall be hinged and hung with a counterweight suspended to chain or cable with the said weight entirely inclosed in iron pockets, in which it shall move freely up and down; and the weights of all fire-escapes now existing shall be inclosed in such iron pockets. Any other plan of outside iron stair fire-escape, substantially as above required, shall be sufficient if approved by the bureau. Fire-escapes shall be kept painted and in good repair, and no person shall place any encumbrance whatsoever before or thereon. If any person shall neglect or refuse for thirty days after notice in writing from the bureau to construct such outside iron stair fire-escape, or inside fire stairways as this ordinance requires, and the bureau shall direct, said bureau may cause such fire-escape or stairways to be constructed, and the expense thereof, and ten per centum in addition, shall be collected from such person by an action brought by the corporation counsel in the name of the city of Rochester, and this shall be in addition to the other penalties provided in this ordinance. The owner of all buildings mentioned in this section shall have scuttles on the roofs, and shall cause to be constructed and maintained stationary iron stairs

## CONSTITUTIONAL PROVISIONS, LAWS, BY-LAWS AND RULES. 625

or ladders leading to said scuttles which scuttles and stairs shall be kept ready for use at all times.

### SCHENECTADY.

(No ordinances specifically regulating the matter of fire protection in charitable institutions.)

### SYRACUSE.

#### CITY CHARTER (*Revised*).

§ 202. Subdivision 17. Every building already built, or hereafter to be erected, in which twenty-five or more persons occupy any of the stories above the second story, shall be provided with proper and sufficient strong and durable metallic fire-escapes or stairways constructed as required in this act, unless exempted therefrom by the fire marshal, which shall be kept in good repair by the owner of such building, and no person shall at any time place any incumbrance upon any of such fire-escapes.

### TROY.

#### CITY ORDINANCES.

Section 1. Every building in the city of Troy, now erected or which may be hereafter erected, of three or more stories in height occupied or used, or intended to be occupied or used as a hotel, tavern, inn, factory, workshop, asylum, hospital, public hall or theatre, shall be provided with one or more fire-escapes, as may be determined by the chief engineer and the assistant engineers of the fire department and the fire department committee of the common council. Such fire-escapes shall, when in use, reach from the roof of such hotel, tavern, inn, factory, workshop, asylum, hospital, public hall or theatre to within ten feet of the street, road or sidewalk, and be of the latest and most approved service, style and pattern now in practical use, and such as shall be approved by the said chief engineer and assistant engineers of the fire department and the fire department committee of the common council. And it is hereby declared to be the duty of the owner, lessee, agent or occupant of every such building as is herein named to provide such building with one or more fire-escapes as herein directed.

§ 2. The chief engineer and the assistant engineers of the fire department and the chairman of the fire department committee of the common council of the city of Troy shall, after the passage of this ordinance, make an inspection of the buildings mentioned in section one (1) of this law, and report all violations to the city attorney, who is hereby directed to prosecute the owners, lessees, agents or occupants of buildings so reported before the police magistrates of the city of Troy.

§ 3. Any owner, lessee, agent or occupant of any building described in the first section of this ordinance who shall neglect or refuse to comply with the provisions of said section, shall upon conviction thereof before the police magistrate of said city be punished for each and every such offense by a fine not exceeding fifty dollars nor less than twenty-five dollars, or by imprisonment not exceeding thirty days nor less than ten days in the county jail, or by both such fine and imprisonment.

§ 4. This ordinance shall not apply to any building or buildings having metal beams and metal stairways.

§ 5. This ordinance shall take effect on the first day of August, eighteen hundred and eighty-five.

#### UTICA.

(Utica has no building laws or code relating to the protection of institutions, but such laws are in preparation.)

#### YONKERS.

(No ordinances specifically regulating the matter of fire protection in charitable institutions, but such ordinances are under consideration.)

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### III. Requirements of the State Board of Charities as to Fire Protection in Charitable Institutions.

The State Board of Charities in considering the question of proper fire protection for the inmates of institutions, bases its requirements upon the following:

1. The general laws of the State dealing with the matter.

2. The building laws and ordinances of the respective localities and the requirements of local fire commissioners, departments of public safety, and similar regulations.

3. The necessity for reasonable protection of inmates, particularly young children and sick and aged persons, in institutions not affected by the foregoing laws and ordinances.

When making an inspection of an institution subject to the jurisdiction of this Board the inspectors of this department are instructed to examine with care the facilities provided for the protection of buildings and inmates, in the event of fire, and to ascertain the extent to which the law is complied with and the buildings and inmates protected against fire. Examination is made and data secured upon the following points, which cover the more important provisions of the laws and ordinances in regard to the matter, in force in this state at the present time :

1. The neighborhood hazard.
2. Height and material of buildings and whether of fireproof construction or not.
3. Number and location of exits, interior stairways and elevator shafts and whether fireproof.
4. Number, location and construction of outside stairways\* and fire-escapes, and if same can be reached easily.
5. Fire alarm connection, and date of last inspection by local fire department.
6. Number and location of hydrants and standpipes; length and condition of hose, and how often tested.
7. Number and location of portable fire-extinguishers, hand grenades and fire-pails.
8. Organization and practice of fire drills.
- 9 Whether night patrol service is established with use of watchman's clock.
10. Protection given swinging gas jets and other heating or lighting fixtures in proximity to woodwork.

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\* Chapter 381 of the Laws of 1895 requires all hospitals over two stories in height and not of fireproof construction to be provided with outside iron stairways, the design being to afford means for the removal of surgical or bedridden patients on stretchers, when any other method of handling would be dangerous.

11. Presence of rubbish, particularly in attics, cellars, etc., or of oils and inflammable liquids, and care given same.

An institution found to be complying with the law and satisfactorily equipped in the above particulars, and whose officers give due attention to fire drills, night patrol service, care of oils, inflammable liquids and the disposal of rubbish, is considered by the Board to be adequately protected.

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#### IV. Suggestions for Protection of Buildings and Inmates against Fire.

1. Buildings of charitable institutions should be of fireproof construction if possible.

2. Interior stairways and elevator shafts should be made fireproof, and in the case of the stairs, sufficiently broad to permit all persons on floors above to pass down without delay.

3. Outside iron stairways of easy descent and connecting with each dormitory should be provided to furnish means of escape in case the interior stairways and elevators are cut off by fire. For safety these should be inclosed with heavy wire netting and provided with iron hand rails.

4. Direct fire alarm connection is most desirable. Telephone is not considered as satisfactory as an electric alarm connection.

5. Interior facilities should include a sufficient number of portable fire-extinguishers, hand grenades, and fire-pails, and in buildings of more than two stories, standpipes with sufficient hose attached to reach every part of each floor. The hose should be tested every three months, the fire-pails kept filled and the extinguishers recharged annually, the date of recharging being shown on a tag attached to the extinguisher.

6. Regular fire drills both for employees, and, where their physical condition permits, for inmates as well, should be held in order to accustom them to the work of rapid removal from the buildings and thus prevent confusion or excitement in case of a real alarm.

7. A night watchman should patrol the building during the entire period when the day employees are off duty, and should be

required to register his visits to different parts of the institution by means of a watchman's clock.

8. Stationary gas jets should be protected by globes or wire screens, and all swinging jets made stationary. All woodwork in proximity to stoves should be protected by sheets of metal.

9. All parts of the building, particularly cellars and attics, should be kept free from rubbish, and rags used in oiling floors, etc., should either be destroyed after using or kept in metal cans or boxes.

10. Great care should be exercised in the storage and handling of paints, oils, and other inflammable liquids. Oil stoves and lamps should not be used if avoidable and should never be filled or trimmed after dark; if oil is used it should be of the highest fire test.

11. A high grade of safety or sulphur matches should be used.

12. Ashes should never be collected in wooden barrels or boxes, but in metal cans.

13. Fire-escapes, stairways, halls, passageways, windows or doors should never be encumbered with boxes, barrels, etc., as in the event of fire these would interfere with the escape of the inmates and hinder the firemen in their work.

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#### V. Suggestions for Suitable Fire Escapes.

In view of the recent losses of life in fires in charitable institutions by reason of the absence of escapes or because the escapes provided were defective or unsuitable, the following suggestions as to what kind of escapes are best adapted to charitable institutions are submitted:

##### 1. FOR HOMES FOR CHILDREN, INDUSTRIAL SCHOOLS, REFORMATORIES, ETC.

Outside iron stairways not less than twenty-four inches wide, guarded by hand rails and preferably enclosed with wire netting.

Such escapes to connect with all the dormitories and all approaches to escape to be kept free and clear.

Stairs to be placed at an angle for easy descent (not to exceed 55 degrees; preferably from 45 degrees to 50 degrees).

Treads to be not less than six and one-half inches wide and preferably from seven and one-half to nine inches wide.

Spaces between treads to be not more than ten inches.

Ladder escapes are of little value except for the larger boys, and as a means of ingress for firemen.

Stairway escapes may be broken into a number of short flights or may extend the full length of each story of the building.

## 2. FOR HOSPITALS, HOMES FOR THE AGED, ETC.

Stairway escapes as above but of greater width—not less than three feet—are recommended.

Platforms, approaches, etc., to be wide enough to permit handling an operative case on a stretcher or mattress without injury, in case the interior stairs and elevators were cut off by flames or smoke.

Such escapes to connect with all wards and be accessible from all private rooms. Approaches to the escapes to be through doors which should open freely (rather than through windows which make exit difficult at best): Both approaches and escapes to be kept free and clear.

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## VI. Fire Drills.

### 1. HOMES FOR CHILDREN, INDUSTRIAL SCHOOLS, REFORMATORIES AND OTHER INSTITUTIONS WITH ACTIVE INMATES.

The kind of drill recommended for homes for children is that required by chapter 201, Laws of 1901, entitled "An act providing for fire drills in the schools of this state." Under the provisions of that act the principal of every public or private school in the State having more than 100 pupils is required to instruct and train the pupils in his school so that they may be able to leave the building in the shortest possible time without confusion or panic. The children in homes should in like manner be practiced in rapid dismissal exercises, using both the interior stairways and the outside escapes. The caretakers and other employees should be assigned to certain stations in connection with this drill and carefully instructed as to their duties in emergencies. The caretakers of the children under five years of age should be

most carefully instructed and drilled in the best method for removing their charges from the building promptly.

The following is an outline of plan for the organization of a fire drill similar to that practiced in a number of homes in this State:

**ORGANIZATION.**

1. The superintendent, or in his absence the matron, head teacher, or engineer in this order to be in chief command and to have direction of the drill as a whole.

2. The head officer of each department of the home to be responsible for his department to the superintendent or his substitute and to be in command of that department.

3. Each caretaker and teacher to be in command of and responsible for the children in his dormitory or class room (under the head officer of his department).

4. The children in each dormitory or class room to be organized into squads of ten, one of the older children (captain) being in charge of each squad.

A plan of organization for such a drill may be shown graphically as follows:



Superintendent.									
Matron					Head Teacher				
Care-taker		Care-taker			Teacher		Teacher		
Captain	Captain	Captain	Captain	Captain	Captain	Captain	Captain	Captain	Captain
10	10	10	10	10	10	10	10	10	10
girls	girls	girls	girls	girls	girls	boys	boys	boys	boys

PRACTICE.

At a given signal (fire alarm) the children in each school room or dormitory form in squads under the direction of the teacher or caretaker, and march out into the corridors where they take their proper places in the formation composed of the entire population on that floor of the building. The entire company then marches in regular order and without delay or confusion down the stairs and out of the building, following a similar company made up of the children from the floor below. The company of children from the first floor should march out first, followed by the company from the second floor and so on through the building. If the building has more than one exit the companies may be formed accordingly so as to secure more rapid dismissal.

The outside fire-escapes as well as the interior stairways should be used as means for egress during these drills, so that the children may become accustomed to them and be able to leave the building by any means of exit without confusion or panic in case the interior stairway should be cut off by fire or smoke.

All employees should be instructed in the use of the extinguishers and other fire-fighting apparatus as a part of the fire drill and certain of them, other than the teachers and caretakers if possible, assigned to particular duties in connection with the use of this apparatus, when an alarm is given.

Where infants and small children are in the institution the drill should include practice in the speedy removal of these children by the caretakers, nurses and other employees assigned to this duty.

2. HOSPITALS, HOMES FOR THE AGED AND OTHER INSTITUTIONS WITH HELPLESS INMATES.

In these institutions the removal of patients in the event of fire is more difficult and laborious than in those cases where the inmates are active persons. Many of the patients must be carried out bodily, some of them on mattresses or stretchers, and without delay or injury. Accordingly the fire drill cannot be actively participated in by the patients but must consist in the practice of movements looking to the rapid removal of patients by the nurses, orderlies and employees. For medical reasons it is often not advisable to actually remove the patients from the

ward during the drill, but this fact does not affect materially either the need for or the value of such a drill.

The employment of a competent expert for a brief period sufficient to instruct and train the staff of employees, as has been done in some of the larger public hospitals in New York City, is recommended by the board, where possible.

The drill should include the following matters:

1. Instruction of the staff of employees in the use of the fire-fighting apparatus, and practice in the same.

2. The organization of the staff for the purposes of this drill and the assignment of the resident physicians, nurses, and employees to particular positions and duties in connection with the work of removing the patients; these positions to be taken immediately upon the signal (alarm) being given.

3. Instruction and practice in the handling and carrying of stretchers and other work having to do with the removal of patients.

Weekly or fortnightly practice of these drills is necessary to secure and retain their effectiveness.

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#### STATUTES AND RULES RELATING TO CORPORATIONS.

The written approval of the State Board of Charities is necessary—

1. For the incorporation of any institution for the purpose of receiving, boarding or keeping any nursing children, or any children under the age of twelve years, not pupils or wards.

(Chapter 171, Laws of 1894, referring to Penal Code, section 288.)

2. For the extension of the purposes of a membership corporation, if the care of orphan, pauper or destitute children be included.

(Chapter 559, laws of 1895, Article I, section 4.)

3. For the incorporation of any membership corporation mentioned in the second paragraph of section 31 of Article II of the Membership Corporations Law, chapter 559 of the Laws of 1895, and of hospital corporations.

4. The State Board of Charities shall approve or disapprove the organization and incorporation of all institutions of a charitable, eleemosynary, correctional or reformatory character, which are or shall be subject to the supervision and inspection of the board. (Art. I, sec. 9, subd. 4, chap. 546, Laws of 1896.)

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**RULES OF STATE BOARD OF CHARITIES TO BE OBSERVED  
BY PERSONS PRESENTING CERTIFICATES OF INCORPORATION  
FOR APPROVAL.**

The rules to be observed as to all certificates of incorporation presented to the State Board of Charities for its approval are as follows:

1. Such certificate shall be executed in duplicate and presented in due form, duly executed, and acknowledged by the proper persons before competent officers, as the special law may direct, and without erasures or interlineations; and should contain in full every statement directed by the statute. In the articles hereinbefore given these statements are italicized.

2. Each certificate shall state the law under which it is proposed to incorporate.

3. A copy of such certificate shall also be furnished for filing with the State Board of Charities.

Additional rules setting forth the duties of the Commissioners and the officers of the Board in regard to certificates of incorporation and application for approval are laid down in Article X of the By-Laws.

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**BY-LAWS OF THE BOARD.**

*(As amended to June 1, 1902.)*

**I. ON THE MEETINGS OF THE BOARD.**

1. Stated meetings of the Board shall be held on the second Wednesday in January, April, July and October, and unless otherwise ordered by the Board, at 3 o'clock p. m.

2. All stated meetings of the Board shall be held at the office of the Board at the Capitol in the city of Albany, unless otherwise specially ordered by the Board.

3. The Board, or the President, may direct special meetings to be called.

4. The President shall direct a special meeting to be called on the written request of two Commissioners stating the particular purpose for which the meeting is desired.

5. Notice of meeting shall be given by mailing the notice to each Commissioner at his last known place of address, and when practicable, such notice shall be given at least ten days in advance.

6. Notice of special meetings shall state the particular purposes for which the meetings are called.

#### II. ON THE CONDUCT OF BUSINESS.

1. If at the time appointed for the meeting of the Board the President and Vice-President are both absent, any Commissioner may call the meeting to order, and a chairman shall be chosen.

2. At the meetings of the Board the following order of business, unless otherwise ordered shall be observed:

Reading of the minutes of previous meetings.

Election of officers.

Reference of accounts.

Unfinished business of the last meeting.

Reports of standing and special committees.

Reports on proposed incorporations.

Communications from Commissioners and officers.

Miscellaneous business.

3. At a special meeting, the object of the meeting shall be stated by the chair immediately after the minutes of the last meeting have been read, and no other business than that stated in the call shall be considered at such meeting, unless ordered by the concurrent vote of all the Commissioners present.

4. All resolutions shall be in writing and, with the name of the mover, shall be entered on the minutes.

5. On the demand of any Commissioner, the vote on any question shall be taken by ayes and noes, and entered on the minutes.

6. All questions of order and proceeding, not specially provided for in these By-Laws, shall be governed by Cushing's Manual.

7. The minutes of all meetings of the Board shall be printed as soon after adjournment as possible, and a copy furnished to each Commissioner.

## **CONSTITUTIONAL PROVISIONS, LAWS, BY-LAWS AND RULES. 637**

### **III. ON THE ELECTION OF OFFICERS.**

1. The stated meeting in April shall be the annual meeting of the Board.
2. At this meeting it shall elect by ballot a President and a Vice-President.
3. The President and Vice-President so elected shall hold their respective offices for one year and until their successors are elected.
4. All other officers or agents, unless their term of office be fixed by law, or by these By-Laws, shall hold office at the pleasure of the Board.

### **IV. ON THE PRESIDENT AND VICE-PRESIDENT.**

1. The President shall have general supervision of the affairs of the Board, and shall preside at the meetings.
2. He shall represent the Board before the Governor, Executive Department and Legislative Committees, unless otherwise ordered by the Board and may request any Commissioner or officer to assist him or appear in his stead.
3. The Vice-President shall perform the duties of President whenever the President is unable to perform the duties assigned to him by these By-Laws.

### **V. ON THE SECRETARY.**

1. The Secretary shall reside in the city of Albany, and shall be in attendance at the office of the Board during the hours of business, unless called elsewhere by official duties, or unless excused by the Board.
2. He shall have general supervision of employees and of all branches of the Board's work, and shall aid the Commissioners and other officers of the Board in the performance of their duties whenever required.
3. He shall submit to the Committee on Publication, on or before the second Wednesday of October in each year, the subjects of which it is proposed to treat in the annual report, and the text of the report shall be completed and submitted by him to said Committee on or before the first Wednesday of December.
4. He shall have general charge of the office; superintend the clerical business; and, except as otherwise provided by these

By-Laws, conduct the correspondence of the Board, and be the medium of communication of its orders and requests under its direction.

5. He shall attend the meetings of the Board, and keep the records of the same.

6. He shall make examination of, and certify to, the correctness of all expense accounts presented for the audit of the Board, and attest the audit of all bills allowed by the Board.

7. He shall keep a record of all accounts audited by the Board, and report at each stated meeting the condition of the several appropriations.

8. He shall advise the Commissioners of any proposed legislation affecting institutions under the supervision of the Board, or which in any manner concerns its interests or its work, and furnish them with all legislative bills bearing on such subjects.

9. The Secretary shall bring to the attention of the appropriate committees of the Board any matter requiring their consideration or action, and shall also make a report thereof to the Board at the first meeting thereafter.

10. He shall perform such other duties as are especially assigned to him by these By-Laws, on which the Board may from time to time direct.

#### VI. ON THE SUPERINTENDENT OF STATE AND ALIEN POOR.

1. The Superintendent of State and Alien Poor shall have supervision of the State, Alien and Indian dependent classes, and shall perform all the duties required by law, or prescribed by the Board, for their care and final settlement.

2. He shall supervise and direct the work of the inspectors of almshouses, transmitting copies of their reports, through the Secretary, to the Commissioners of the respective districts; the work of the inspector of State charitable institutions, transmitting copies of his reports, through the Secretary, to the respective committees of the Board having jurisdiction of such institutions; and the work of the other employees in his department, requiring each, with the exception of the clerks at the office in the Capitol, to file in his office a daily record of their work. He shall cause the State institutions, within the Board's

jurisdiction, to be inspected at least quarterly, and the other institutions within the Board's jurisdiction, which are in receipt of State moneys, and the almshouses and their auxiliary institutions, at least once in every six months.

3. He shall also supervise the work devolved upon the Board by chapter 264 of the Laws of 1898, "An act to prevent evils and abuses in connection with the placing out of children," and shall keep as full a record as practicable, of the cases of children placed out in this State, reporting, through the Secretary, to the Committee on Placing Out of Children, any evils, defects or abuses discovered in connection with such work.

4. He shall preserve, in suitable form for reference, the records of each individual of the above classes who may come under his official care.

5. He shall examine all accounts pertaining to State, Alien and Indian poor, and, before said accounts are presented to the Board for audit, shall certify to their correctness.

6. He shall, in his visitations of State charitable and reformatory institutions and almshouses, examine and inquire into any violations of the laws in respect to the retention of children, epileptics, insane and feeble-minded in these institutions, and, also, as to the necessity of providing more suitable and better care for any of the inmates of such institutions, and report quarterly to the Board the results of his examinations and inquiries. It shall also be his duty to keep a register of all epileptics, idiots and feeble-minded persons committed to institutional care, and in such manner as will show the status of each and every such epileptic, idiotic and feeble-minded inmate so committed.

7. He shall make quarterly reports of his work and shall prepare, for the annual reports of the Board, a full statement of the work performed in the bureau under his charge, with such suggestions and recommendations as he may deem important.

#### VII. ON THE SUPERINTENDENT OF INSPECTION.

1. The Superintendent of Inspection shall, subject to the pleasure of the Board, have charge of the visitation and inspection of all institutions, societies or associations which are of a charitable, eleemosynary, correctional or reformatory character, ex-



cepting State institutions and those having the custody of State, Alien and Indian poor.

2. He shall supervise and direct the work of the superintendents, inspectors and other employees in his department, requiring each, with the exception of the clerks in the office in the Capitol, to file in his office a daily record of their work.

3. He shall organize and maintain such methods of visitation and inspection of the above classified institutions, societies or associations, as will furnish the Board reliable information as to the official conduct of trustees, directors and other officers and employees of the same; the success of the management in each in promoting the physical and moral well-being of the inmates; whether the objects of the several institutions, societies or associations are accomplished; whether the moneys appropriated for their aid are or have been economically and judiciously expended; whether the laws in relation to them and the rules of the Board governing the reception and retention of inmates have been fully complied with; and all other matters pertaining to their usefulness.

4. He shall have charge of the reports, provided in section 2, Rule III., of rules established by the Board pursuant to section 14, Article VIII., of the Constitution, and shall maintain such a system of registration of the inmates of the institutions, societies or associations classified under said section 2, as will show the present status of each of said inmates.

5. He shall make quarterly reports of his work, and prepare for the annual reports of the Board a full statement of the work performed during the year in his bureau, with such suggestions and recommendations as he may deem important.

#### VIII. ON THE VISITATION AND INSPECTION BY COMMISSIONERS.

1. All the institutions of a district subject to the inspection of this Board shall be under the special supervision of the Commissioner or Commissioners resident in such district. It shall be the duty of the Commissioners to visit and inspect said institutions as often as in their opinion the public interests require, and whenever directed by the Board.

2. In case of inability, from any cause, of a Commissioner to discharge the duty of supervision, visitation and inspection imposed by this By-Law, the board shall assign it, in whole or in

part, to another Commissioner or to an officer of the Board. But this By-Law shall not be construed to impair the right of the Board to direct special investigations or examinations of the affairs and management of any institution, society or association, or to institute and pursue investigations on any subject germane to its work in any district or county of the State.

3. The President may, during the recess of the Board, appoint a committee of one or more Commissioners to make a preliminary investigation into the affairs, management and conduct of any institution, society or association subject to its supervision, with the full powers conferred by law.

IX. ON THE OBJECTS OF VISITATION AND INSPECTION.

The subjects of inquiry, inspection and examination of institutions, societies or associations under the supervision of the Board, shall be as specified in chapter 546 of the Laws of 1896, article I., section 11.

X. ON THE APPROVAL OF CERTIFICATES OF INCORPORATION.

1. Whenever application is made to the State Board of Charities for the approval of a certificate of incorporation, the application shall first be sent to the Secretary of the Board, at the Capitol, for record, and submission to the Attorney-General, or to the counsel of the Board for opinion as to legal form, and shall then forthwith be referred by the Secretary to the Commissioner or Commissioners resident in the district from which the application is made.

In case of an application from a district in which there is more than one resident Commissioner, such certificate shall be sent to such Commissioner as may be appointed by the Commissioners resident in such district.

2. It shall be the duty of the Commissioner acting alone or with such Commissioner or Commissioners as he may invite, to inquire by personal examination or by a public hearing upon notice into the merits of the application, and specially to consider the following points:

(a) The desirability of the existence of such an institution as is proposed to be incorporated, at the time and place and under the circumstances set forth in the application and certificate.

(b) The character and standing, in the community, of the proposed incorporators.

(c) The financial resources of the proposed institution, and its sources of future revenue.

3. Such Commissioners shall report to the Board in writing, before final action upon the application, the result of the examination and the recommendation based thereon, and this report, together with all papers in the matter of the application, shall be filed in the office of the Board.

#### XI. ON THE ANNUAL REPORT.

1. The Committee on Publication shall have general supervision of the preparation of the report by the Secretary, and shall have power to select or reject matter, subject to the final action of the Board.

2. The annual report shall contain such statements, items and particulars as are specified in chapter 546 of the Laws of 1896, or in the acts amendatory thereof or supplemental thereto, and also such other matters relating to the institutions, societies or associations under the supervision of the Board, as the Committee may deem necessary and proper.

3. The title of each paper intended for publication with the annual report, shall be filed in the office of the Board on or before the second Wednesday of October, and no paper, report or document, the title of which is not so filed, shall be received or considered for the annual report of the Board, except on special leave of the Committee on Publication, nor shall any such report, paper or document be published in the appendix of the annual report, unless the same shall have been read through by at least one member of said Committee, reported favorably to and approved by the Board.

4. It shall be the duty of the Committee on Publication to submit the text of the report, in proper form for transmission to the Legislature, to the Board on or before the second Wednesday of December.

#### XII. ON THE OFFICE OF THE BOARD.

1. The office of the Board, in the Capitol at Albany, is the authorized depository of all books, papers, records and documents,

the property of the Board, and shall, so far as practicable, be the place for the transaction of its business.

2. The office shall be kept open on all secular days, except legal holidays, from 9 a. m. to 5 p. m.

XIII. ON THE ACCOUNTS OF THE BOARD.

1. All bills or accounts made by virtue of any law whose execution is under the supervision of the Board, shall receive the audit of the Board or of the Finance Committee before presentation to the Comptroller for payment.

2. A copy of all accounts passed by the Board or Finance Committee shall be kept in the office.

3. No indebtedness chargeable to any appropriation, shall be incurred by any Commissioner or officer except on the order of the Board or Finance Committee, but this provision shall not apply to the personal expenses of Commissioners, expenses incurred by the Superintendent of State and Alien Poor, the Inspector of Charities, the Secretary, or the miscellaneous contingent expenses of the office.

4. All appropriations made by the Legislature for the use of the Board shall be entered in books prepared for that purpose, and in connection with each appropriation, every item of expenditure, duly authorized and made chargeable to said appropriation, shall be recorded, and these accounts shall be so kept as to show at all times the available balance of each appropriation remaining to the credit of the Board.

XIV. ON THE COMMITTEES.

There shall be the following Standing Committees, which shall be appointed by the President-elect as soon as practicable after each annual meeting. The President may, subject to the pleasure of the Board, appoint such other or further committees as the work of the Board may, from time to time, demand.

All the committees shall report at each stated meeting of the Board, or oftener when necessary, upon the matters coming under their jurisdiction or specially referred to them.

1. *On Publication.*

This Committee shall consist of five Commissioners, and shall have supervision of the preparation of the annual report of the Board.

*2. On Finance.*

This Committee shall consist of the President and two Commissioners, and shall have charge of the finances of the Board, and shall audit such bills in the intervals of the meetings of the Board as the Board may direct.

*3. On Inspection of Charities.*

This Committee shall consist of three Commissioners, and shall have supervision of the Bureau of Inspection of Charities.

*4. On State and Alien Poor.*

This Committee shall consist of three Commissioners, and shall have supervision of the Bureau of State and Alien Poor.

**XV. ON THE DECLARATION OF THE OPINION AND POLICY OF THE BOARD.**

The opinion and policy of the Board can be declared only by resolution adopted at a meeting regularly convened, and when so declared shall furnish a rule of official action to Commissioners and officers.

**XVI. ON THE METHODS OF CHANGING THE BY-LAWS.**

No alteration, addition or amendment to these By-Laws shall be made, unless upon notice at one meeting of intention to propose the same at the next stated or special meeting of the Board and upon a majority vote of all Commissioners at such next stated or special meeting.

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**RULES FOR THE RECEPTION AND RETENTION OF INMATES OF INSTITUTIONS.**

[As amended January 10, 1906.]

**I. RECEPTION OF INMATES.**

The following classes of persons, and no others, may be received as public charges into charitable, eleemosynary, correctional, and reformatory institutions, wholly or partly under private control, authorized by law to receive payments from any county, city, town or village for the support, care or maintenance of inmates:

1. Children under the age of sixteen years, who have been convicted of crime and committed to such institution.

2. Persons who have been committed to such institutions by any court or magistrate having jurisdiction.

3. Persons who, pursuant to the provisions of existing laws, have been received or are retained in any such institution by the written order or permit of the superintendent of the poor of a county, or overseer of the poor of a town, or commissioner or commissioners of charities or other local officer or board legally exercising the powers of an overseer of the poor in the county, city, town or village sought to be charged with the support of such persons.

4. Persons who have been received into such institutions as, under special or existing laws or appropriations, are entitled to receive payments of money in gross sum or for specific purposes, from any county, city, town or village. No child between the ages of two and sixteen, unless convicted of a crime, shall be received into any such institution as a public charge, unless committed thereto, or placed therein, by a court or magistrate having jurisdiction, or by the superintendent of the poor of a county, or overseer of the poor of a town, or commissioner or commissioners of charities, or other local officer or board legally exercising the powers of an overseer in the county, city, town or village sought to be charged with the support of such child, and authorized by law to commit children to such institutions or to place them therein.

## II. RETENTION OF INMATES.

1. No child under the age of sixteen years, unless convicted of crime, nor any destitute minor nor adult person, whether committed by any court or magistrate, or otherwise received, shall be retained in any such institution, *as a public charge*, unless accepted in writing as such by the officer charged with the support and relief of the poor of the county, city, town or village upon which such child or destitute minor or adult person is sought to be made a public charge, subject to such regulations as the Board may from time to time prescribe, *and all acceptances so made shall lapse and become void* unless renewed in writing within thirty days of the expiration of one year from the time

of the first acceptance; said year to date from the period of said acceptance. The reacceptance in writing shall be repeated each year that the inmate remains in the institution and within thirty days of the expiration of each successive year. Every such acceptance or renewal of acceptance, shall be based upon the results of an investigation into the circumstances of the person accepted, and into the circumstances of his parents, relatives or guardians, if there be any. No destitute child shall be retained as a public charge in any institution wholly or partly under private control, which shall fail to keep a book in which shall be entered the name and address of every person visiting such child, supported in whole, or in part, by public funds in such institution, which name and address shall be secured upon such visit.

2. *Children.*—No *minor* who is an inmate of any such institution, other than a person under the age of sixteen who has been convicted of crime and duly committed, may be retained *at public expense* in any such institution, if the State Board of Charities, or a committee thereof, shall have notified such institution in writing, that in the judgment of the Board, or of a committee of the Board, it is for the interest of such minor that he or she should be returned to his or her parents or guardians, or placed out in a family by adoption or indenture or other agreement, except that such minor may be retained at public expense, for a period not exceeding two months after the service of the notice to the institution, at its request, for the purpose of enabling it to place out such child.

3. In no case shall any *child*, supported in whole or in part *at public expense*, in any such institution, be *transferred* to any other institution except upon the written approval of the commissioner of the district or county in or from which the transfer is proposed, or in case of his absence any other commissioner of the Board.

4. No *minor* shall remain as an inmate of any such institution which has not furnished evidence of having complied with the provisions of sections 213, 214 and 215 of article XII, of chapter 25 of the general laws, called the Public Health Law.

5. *Destitute and other adults.*—No *adult inmate* of any such institution, who has been placed or permitted to remain therein by a proper officer, shall be retained therein *at public expense*, after

a date fixed by a commissioner, resident in the district in which the institution is situated, and of which the proper authorities or superintendent or officer in charge thereof has been notified in writing.

6. No payment shall be made by any county, city, town or village to any charitable, eleemosynary, correctional or reformatory institution wholly or partly under private control, for care, support or maintenance, which shall fail within a reasonable time after notice to comply:

First. With any law affecting the health of the inhabitants of said county, city, town or village,

Second. With any rules or regulation of the local board of health passed pursuant to law,

Third. With any law regulating the erection of the buildings of said institutions, or

Fourth. With any law, or rules or regulation made pursuant to such law, enacted to protect the inmates thereof from fire, or requiring the erection of fire-escapes or additional means of egress.

7. The inmates of all charitable, correctional or reformatory institutions, wholly or partly under private control, who are retained therein as a charge upon any county, city, town or village, shall be humanely and suitably provided with food, lodging and clothing and whatever further may be necessary for their safety, reasonable comfort and well being.

8. Children of school age retained in any such institution as a charge upon any county, city, town or village, shall receive regular and suitable instruction in at least the common school branches of reading, spelling, writing, arithmetic, English grammar and geography.

9. No child between the ages of two and sixteen years, committed because of the destitution of his or her parents or guardians, shall be received as a public charge in any such institution, which also receives and cares for destitute adults unless there is complete and continuous separation of such adults from such children. Nor shall any child under the age of sixteen years, committed because of the destitution of his or her parents or guardians, be retained as a public charge in any such institution which receives persons committed for crime, unless it is author-

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ized by its charter, or by general statute, to receive both of such classes and unless their complete and continuous separation is at all times maintained.

10. The commissioners, officers, inspectors and other representatives of the State Board of Charities shall at all reasonable times be allowed to examine such children with relation to their scholastic training, and also with respect to their fitness for placing in family homes, or with relation to any other matter pertaining to their care, comfort and general welfare, as may be directed by the board by resolution duly adopted and entered on its minutes.

### III. REPORTS OF INSTITUTIONS.

#### 1. *Annual Reports.*

Each and every charitable, eleemosynary, correctional and reformatory institution, wholly or partly under private control, whether incorporated or not incorporated, subject to the visitation and inspection of the State Board of Charities, pursuant to article VII, section 11 of the Constitution, shall, on or before the first day of November in each and every year, prepare and file with the Board, at its office in the Capitol at Albany, a report of the condition of the institution and its operations, for the preceding fiscal year ending September 30th, upon forms prescribed and furnished for the purpose, to wit:

First. The estimated value of the real and personal property of the institution and its assets and liabilities October 1st.

Second. The total amount and sources of the receipts of the institution and its total and classified expenditures for the fiscal year ending September 30th.

Third. The whole number of persons supported in the institution, and the changes in the population during the fiscal year ending September 30th, and the number and sex of those in its custody and care October 1st, with such other particulars as may, from time to time, be required by the Board.

#### 2. *Reports of Institutions Having the Custody, Care and Training of Orphan, Destitute, Delinquent and Defective Children.*

Every charitable, eleemosynary, correctional or reformatory institution, wholly or partly under private control, having the custody, treatment, care and training of orphan, destitute, delinquent or defective children, excepting deaf and blind pupils, shall,

on or before the 10th day of October, 1895, file with the Board, at its office in the Capitol at Albany, the name and sex of each and every child, inmate of such institution January 1, 1895, and the name and sex of each and every child who may have been received in such institution from January 1 to September 30, 1895, inclusive, on a separate blank to be prescribed and furnished by the Board for the purpose, including the following particulars in respect to each, viz.: Date of reception; age; color; birthplace; whether orphan, half-orphan, or both parents living; physical and mental condition; birthplace of parents; authority under which received; county, city, village or town upon which a charge; amount received from parent, relative or guardian, or other private source, or whether supported wholly by the institution; per capita amount received from public sources; authority under which payments are made; and, in the case of delinquents, the offense or crime for which committed; and, each and every such institution shall, on or before November 10, 1895, and on or before the tenth of each month thereafter, file at the office of the Board, as aforesaid, the name and sex of each and every child, with the particulars above enumerated, in relation thereto, who may have been received in such institution during the preceding month; and such institution shall give prompt notice to the Board, upon blanks furnished therefor, of any and all discharges, removals, escapes, transfers or deaths occurring in the institution during the month.

#### IV. ACCOUNTS OF INSTITUTIONS.

Each and every charitable, eleemosynary, reformatory and correctional institution, wholly or partly under private control, shall keep proper books of account which shall set forth all receipts and expenditures with the vouchers therefor, and be open for the inspection of the State Board of Charities, its commissioners, officers, inspectors and agents.

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### RULES AND REGULATIONS FOR THE RECEPTION AND MAINTENANCE OF INDIAN POOR PERSONS.

#### APPLICATIONS FOR RELIEF.

1. Whenever any Indian residing within this State shall be unable to maintain himself, he shall make application for relief

or maintenance at public expense, to the superintendent of the poor of the county wherein he resides or to some other officer charged with the support and relief of the poor in the said county.

#### COMMITMENT TO ALMSHOUSE.

2. Upon application being made to a poor law officer by any Indian for relief as a poor person, such officer shall make investigation into the ability of such Indian to maintain himself, and, if satisfied that such Indian is a poor person as defined by chapter 225 of the Laws of 1896, he shall by warrant cause such Indian to be conveyed to the almshouse of the county for maintenance therein.

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#### TRANSMISSION OF PROCEEDINGS AND TESTIMONY.

3. Every county superintendent of the poor, or other officer charged with the support and relief of the poor, who shall commit any Indian poor person to an almshouse to be maintained at the expense of the State, within three days after such commitment shall transmit to the State Board of Charities all the testimony taken in the investigation into the ability of such Indian to maintain himself, and all other facts relating to such Indian poor person, together with a verified statement of the expenses incurred in making the removal to the almshouse.

4. The proceedings and testimony in cases of relief outside of an almshouse shall be forwarded to the Department of State and Alien Poor, as in the case of an Indian poor person committed to an almshouse.

#### RELIEF OUTSIDE OF AN ALMSHOUSE.

5. Whenever an Indian poor person makes application for relief in accordance with Rule No. 1, and shall be found by the county superintendent of the poor or other officer charged with the relief and maintenance of the poor to be in such physical condition as to make it improper to remove him to the almshouse, the county superintendent of the poor shall provide for the care and support of such Indian poor person without removing him to the almshouse, and the necessary expenses incurred in such care and support, which should not exceed two dollars per week unless otherwise allowed in writing by the Superintendent of State and Alien Poor, shall be certified to the Department of State and Alien Poor.

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**OVERSEERS TO NOTIFY COUNTY SUPERINTENDENT.**

6. Overseers of the poor or other officers charged with the maintenance and relief of poor persons, to whom an Indian poor person shall apply for relief, and who shall find that such Indian poor person is in such condition as to make it improper to remove him to the almshouse, shall immediately notify the superintendent of the poor of the county of the condition of such Indian poor person, and thereupon the county superintendent of the poor shall make provision for the care and support of such Indian poor person.

**APPROVAL BY SUPERINTENDENT OF STATE AND ALIEN POOR.**

7. Upon receipt of the testimony and the statement of expenses incurred, the Superintendent of State and Alien Poor shall satisfy himself that such removal or other relief was proper, and that the Indian is a poor person within the meaning of section 101 of chapter 225 of the Laws of 1896. If he shall find that the maintenance of such Indian in the almshouse, or otherwise as the case may be, is a proper charge upon the State, and the expenses of removal, if any, were actually and necessarily incurred, he shall approve the costs of such removal or relief, and certify the same to the Secretary of the State Board of Charities.

**BILLS TO BE RENDERED QUARTERLY.**

8. All bills for the support, treatment and care of Indian poor persons, whether supported in almshouses or maintained elsewhere, shall be sent to the Department of State and Alien Poor of the State Board of Charities at the Capitol at Albany, on the last days of December, March, June and September in each year.

**BILLS TO CONFORM TO RULES.**

9. Such bill shall give the names of all Indians supported as Indian poor persons, the places wherein supported, and the time during which each one shall have been maintained; and no bill incurred otherwise than in conformity with these rules and regulations shall be approved by the Superintendent of State and Alien Poor.

**CONTRACTS.**

10. The State Board of Charities shall from time to time on behalf of the State, contract with the proper officers of the county

within which Indians who are poor persons reside, on such terms and for such times as may be proper, for the reception and support in the almshouse of such counties of such Indian poor persons as may be committed thereto. Every such contract shall be in writing, and be filed in the office of the State Board of Charities.

#### RECORD IN ALMSHOUSE.

11. The keeper or other officer in charge of an almshouse to which Indian poor persons shall be committed shall enter the names of such Indians upon the almshouse register, together with such particulars as are required in the case of other poor persons.

#### NOTICE OF ADMISSION.

12. Such keeper or officer shall transmit by mail, to the Superintendent of State and Alien Poor, the name of any Indian poor person committed to the almshouse of which he has charge, together with the particulars required by Rule No. 11, immediately upon the admission of such Indian poor person.

#### OTHER NOTICES.

13. Such keeper or officer in charge of the almshouse shall in like manner transmit to the Superintendent of State and Alien Poor, notice of the death, discharge or absconding of any Indian poor person in his charge, whenever such death, discharge or absconding shall take place.

#### DISCHARGE.

14. Whenever any Indian poor person maintained in an almshouse or otherwise, in accordance with these rules and regulations, shall be able to undertake his own support and maintenance, he shall be discharged upon order of the Superintendent of State and Alien Poor or of the county superintendent of the poor in the county within which he resides.

#### BURIALS.

15. No expenses for burials shall be incurred other than the cost of a plain coffin and that not to exceed \$15.00, unless the

approval of the Superintendent of State and Alien Poor shall have been first secured.

NON-COMPLIANCE WITH RULES.

16. Indians not committed to an almshouse or otherwise provided for in accordance with these rules and regulations, shall not be accepted by the Superintendent of State and Alien Poor as a charge upon the State.

INDIANS SUFFERING WITH CONTAGIOUS DISEASES.

17. In all cases of contagious or infectious diseases among Indians, which under the Public Health Law are required to be quarantined by the local boards of health, the expenses incurred through such quarantine cannot be made a charge against the State Board of Charities but must be provided for in accordance with the provisions of section 24 of the Public Health Law.

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RULES TO BE OBSERVED BY THOSE SUBMITTING PLANS FOR BUILDINGS AND ADDITIONS THERETO.

1. All plans for the building of almshouses or other institutions, or of structures connected therewith or additions thereto or of modifications of such buildings or structures, requiring the Board's approval, must be submitted to the Board with the specifications relating thereto, *both in duplicate* before being referred to the Committee on Construction of Buildings.

2. Such plans and specifications must in every case be accompanied by a statement specifying the building or buildings to be erected in accordance therewith, the location or locations of such building or buildings and the work otherwise covered by the plans and specifications, naming the amount or amounts appropriated for such construction, certifying that said plans and specifications have been officially approved by the responsible authorities presenting them for the Board's approval, together with a specific request for such approval by the Board.

3. One of such plans, and one of a duplicate modification of such plans, if such shall be made and approved, shall be filed among the archives of the Board.

4. No changes or modifications shall be permitted in such plans without the approval of the Board and the filing of such modified plans in the archives of the Board.

5. The Board may at any time appoint an inspector to examine the work of construction to see that the plans as approved by the Board are adhered to.

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**RULES OF THE STATE BOARD OF CHARITIES FOR GRANTING A LICENSE TO INSTITUTIONS DEVOTED TO THE SOLE PURPOSE OF KEEPING AND CARING FOR AGED, DECREPIT AND FEEBLE-MINDED PERSONS, WHO ARE NOT PROPER SUBJECTS FOR CARE AND TREATMENT IN A HOSPITAL FOR THE INSANE, UNDER THE LAWS OF THE STATE OF NEW YORK, KNOWN AS CHAPTER 914 OF THE LAWS OF 1896, ENTITLED "AN ACT TO PROVIDE FOR THE CARE OF AGED, DECREPIT AND MENTALLY ENFEEBLED PERSONS WHO ARE NOT INSANE."**

Rule 1. Every applicant for a license shall file in the office of this Board accurately-drawn plans of every part of the building or buildings to be employed for a home, retreat or asylum, together with the following verified statements in writing:

A. A succinct description of the building or buildings and of the location and surroundings of the institution and of the conditions or accommodations provided for the safe and humane maintenance of the patients.

B. The number and names of the officers, attendants and employes, with a statement of their respective duties and their individual qualifications, morally, physically and by education or experience, for their several positions.

C. The financial resources of the institution, aside from its income derived from patients, and the scale of weekly charges for patients.

Rule 2. No license shall be granted until the Commissioner of the district, or, in case of his absence, of an adjoining district, has personally inspected the grounds, buildings and appurtenances of the proposed institution, and reported in writing that in his opinion, it possesses the necessary equipment in officers and attendants, together with suitable domestic accommodations

in all other respects for the safe and humane maintenance of such patients, and the number which can be properly provided for at any one time.

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**RULES OF THE STATE BOARD OF CHARITIES GOVERNING THE MANAGEMENT OF HOMES, RETREATS AND ASYLUMS FOR THE CARE AND MAINTENANCE OF AGED, DECREPIT AND MENTALLY ENFEEBLED PERSONS WHO ARE NOT INSANE.**

1. Such institution shall be devoted to the sole purpose of keeping and caring for such persons.

2. The superintendent thereof shall transmit to the office of this Board, within three days after the reception of a patient, a certified copy of the application of said patient, or his or her relative, friend or guardian, as the case may be, together with copies of the affidavits of the physicians supporting said application.

3. Whenever any patient by him or his friends or legal guardians shall make application to the State Board of Charities to be discharged from such home, retreat or asylum, the superintendent thereof shall forthwith forward such application to the office of this Board, together with such recommendations in regard to the further care of the patient as he may deem useful and necessary.

4. Said institution shall have, in regular attendance upon its patients, a reputable physician, resident of the vicinity, duly qualified by law to practice his profession in this State, and whose appointment is approved by the State Board of Charities.

5. No form of *injury to the person*, or deprivation of the necessities of life shall be allowed in such institution for the purpose of punishment or discipline.

6. All the provisions of the laws of the State relative to the sanitary care of public institutions and the preservation and promotion of the health of the inmates shall be rigidly complied with.

7. Said institution shall make to this Board the quarterly reports required of hospitals and the annual reports required of all charitable institutions.



8. The forms of application for the admission of all patients to such institutions shall be such as are prescribed by the State Board of Charities.

9. Whenever any patient in such institution shall become so violent in conduct as to become uncontrollable without the aid of mechanical restraint or permanent seclusion, it shall be the duty of the superintendent thereof to notify forthwith the State Board of Charities of the condition of such patient by means of a certificate signed by him and the resident physician, and pending the action of said Board upon such notice, it shall not be lawful to discharge or transfer said patient to any other custody.

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**RULES AND REGULATIONS IN ACCORDANCE WITH WHICH DISPENSARIES SHALL FURNISH MEDICAL OR SURGICAL RELIEF, ADVICE OR TREATMENT, MEDICINE OR APPARATUS; ADOPTED OCTOBER 11, 1899, PURSUANT TO THE PROVISIONS OF CHAPTER 368, LAWS OF 1899, AS AMENDED OCTOBER 10, 1900.**

**I. POSTING A PUBLIC NOTICE.**

There shall be posted and permanently maintained in a conspicuous place in the reception room for applicants a notice as follows:

This dispensary has been licensed under the laws of the State of New York by the State Board of Charities, to furnish medical or surgical relief, advice or treatment, medicine or apparatus to the sick poor who are unable to pay for the same. The law provides as follows:

*(Section 25, chapter 368, Laws of 1899.)*

"Any person who obtains medical or surgical treatment on false representations from any dispensary licensed under the provision of this act shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than ten dollars and not more than two hundred and fifty dollars."

*(Imprisonment until fine be paid may be imposed. Code Crim. Pro., § 718.)*

## CONSTITUTIONAL PROVISIONS, LAWS, BY-LAWS AND RULES. 657

### II. THE REGISTRAR.

(As amended October 10, 1900.)

There shall be an officer to be known as "The Registrar," whose duties shall be to supervise the work of the dispensary, and either personally, or by a competent deputy selected by him for that purpose, to make and preserve all records, receive all applicants, and see that all rules and regulations are enforced.

### III. THE ADMISSION OF APPLICANTS.

(As amended October 10, 1900.)

1. It shall be the duty of the registrar to examine all applicants to determine the question of their admission, and the following rules shall guide his actions: (a) All emergency cases shall be admitted and receive prompt treatment and care. (b) Every applicant who is, in the opinion of the registrar, after examination and personal inquiry, poor and needy, shall be admitted. (c) Every applicant, either personally or by the parent or guardian of such applicant, in regard to whose ability to pay for medical or surgical relief, advice or treatment, medicine or apparatus, or either, in whole or in part, the registrar is in doubt, shall be admitted to a first treatment on signing a card containing the "representation" or statement of the applicant, but the registrar shall forthwith cause an investigation of his or her ability to pay either personally, or by parent or guardian; the results of such investigation shall be filed among the permanent records of the dispensary. Any such applicant who declines to sign the required "representation" or statement shall be refused admission.

2. Such "representation" or statement shall be in the following form:

Card of Admission on "Representation" or Statement of Patient.	
Name.....	Date.....
Dr.....	No. in family.....
Nationality.....	Address.....
Occupation, Man.....	Woman.....
Income.....	Rent.....
This is my ..... application to this Dispensary in the year .....	
I have been an applicant to no other Dispensary in the year .....	
(or to the following Dispensaries: .....) )	
The foregoing statement is in all respects true.	
Signature of applicant. ....	
Admitted .....	Refused .....

3. The registrar shall issue to every applicant who is admitted for treatment a pass card, on one side of which shall be printed the usual information in regard to attendance upon the class to which he or she is assigned, and on the other side the card shall be in the following form:

*Penalty for False Representations.*

Section 25, Chapter 368, Laws of 1899.

"Any person who obtains medical or surgical treatment on false representations from any dispensary licensed under the provisions of this act shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than ten dollars and not more than two hundred and fifty dollars."

(Imprisonment until fine be paid may be imposed. Code Crim. Pro., § 718.)

IV. THE MATRON.

There shall be a matron whose duty it shall be, under the direction of the registrar, to preserve cleanliness and good order in all parts of the dispensary, and be present during gynecological examinations and operations; no such examination shall be made of, or operation performed on, any female patient except in the presence of the matron or of a woman detailed for such duty.

V. CONTAGIOUS DISEASES EXCLUDED.

The following contagious diseases shall not be treated in any dispensary not devoted to the treatment of contagious diseases, viz.: smallpox, scarlet fever, measles, diphtheria. When a person suffering from any one of these diseases shall apply for treatment to any dispensary, the registrar shall take immediate measures to prevent the exposure of other persons in the dispensary, and shall forthwith report the case to the proper health authority.

VI. INSTRUCTIONS IN DISPENSARIES.

Managers may make needful rules and regulations for clinical, secular and religious instruction in their respective dispensaries, but in no instance shall any applicant be required to attend such instruction as a condition on which he or she may receive medical or surgical relief at the dispensary. No applicant shall be

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required to submit to an examination, oral or physical, for other purposes than his or her proper medical or surgical treatment without his or her full and free consent; in the case of an infant, the consent of the father, mother or guardians must be obtained for the purpose above mentioned.

### VII. THE APOTHECARY.

The apothecary must be licensed under the laws of this State or be a graduate of a regularly incorporated medical college. If employed in public service the apothecary must be appointed under Civil Service rules.

### VIII. SANITARY INSPECTIONS.

*(As amended October 10, 1900.)*

The managers of dispensaries shall comply with the ordinances and orders of the local Board of Health, and shall annually make a minute showing compliance therewith, upon their official records on or before September 30th in each and every year.

### IX. ARRANGEMENTS AND EQUIPMENT.

Each dispensary shall provide: 1. Seats for all applicants. 2. Arrangements for the separation of the sexes in both waiting and treatment rooms, except in cases of family groups or of infants. 3. Such equipment in the matter of rooms and supplies as will secure the best results of treatment.

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## RULES FOR DISTRICT COMMITTEES.

*Adopted May 11, 1899.*

For administration purposes the State shall be divided into two inspection districts, to be known as the Eastern District and the Western District. The Eastern District shall embrace the first, second, third and fourth judicial districts of the State. The Western District shall embrace the fifth, sixth, seventh and eighth judicial districts of the State.

The Committee in the Eastern District shall consist of the members of the Board resident therein. The work in the East-

ern District may be carried on by a sub-committee of three of its members, to be appointed by the President.

The Committee in the Western District shall consist of the members of the Board resident therein. The work in the Western District may be carried on by a sub-committee of two of its members, to be appointed by the President. The President shall designate the Chairman of the said Committees.

With the exception of the months of July and August, each of the Committees shall hold meetings at their respective district offices at least once a month, as the Committee may decide. Three members shall constitute a quorum in the Eastern District and two in the Western District. Special meetings may be called by the Chairman as often as he may deem the same necessary. The District Committees may, when in their judgment the work of inspection requires it, hold joint meetings.

The Committees may in their respective districts designate from time to time one of their members to supervise and direct the daily conduct of the work of the District.

The district offices shall be open for business from 9 A. M. to 5 P. M. on every week day, not a legal holiday, except on Saturdays, when they shall be open from 9 A. M. to 12 M.

In each district there shall be a Superintendent, to be appointed by the Board upon the nomination of the District Committee, who shall be subject to the said Committees, and shall have the immediate direction of the Inspectors in the said districts.

It shall be the duty of the Superintendent to see that the instructions of the District Committees are duly carried out and that the details of business of their offices receive prompt and suitable attention. The district offices shall be in their charge and they shall act as Secretary of their respective District Committees and keep a record of the Committee's proceedings.

They shall have the custody of the records of their respective offices and be responsible for the safe preservation of all papers, books, letters and documents.

In each district there shall be such number of inspectors and other employes as the Board may see proper to employ.

The inspectors may, as far as practicable, be classified as "auditing inspectors," "sanitary inspectors" and "general

inspectors." The duties of the "auditing inspectors" may be specially directed to examination of the accounts, records and other matters relative to the financial affairs of institutions. The duties of "sanitary inspectors" may be specially directed to inspection of conditions affecting the sanitary status of institutions. The duties of "general inspectors" may be considered as connected with conditions not belonging specially to the departments of auditing and sanitary inspectors. All inspectors and other employes of the District shall perform such duties as may from time to time be designated by the District Committees.

The joint committee of the Eastern and the Western Districts may temporarily transfer inspectors from the Eastern to the Western District and *vice versa*. The reasons of such transfers shall be entered in the minutes of both of the District Committees.

The hours of duty of the said Superintendents, Inspectors and other employes shall be from 9 A. M. to 5 P. M., with an hour's intermission for lunch, every week day, not a legal holiday, except on Saturdays, when the hours will be from 9 A. M. to 12 M.

Inspectors shall make full and complete records in such form as shall be prescribed by the Board or the District Committees of all visits, inspections and examinations, and shall file the same in the office of the proper inspection district.

If, in the opinion of either Committee, it appears that any institution is not complying with the rules adopted pursuant to Article VIII., Section 14 of the Constitution, said Committee shall promptly bring the matter to the attention of the Board in order that the proper financial officer of the county, city, town or village affected thereby may be duly notified.

On or about the 20th of each month, each District Committee shall send requisitions to the Secretary for such postage stamps, stationery and other supplies as may be required in the performance of their duties.

As soon after the first of each month as practicable, the said Committees shall send to the Secretary of the Board a full report of the inspection work of the district, during the month preceding, together with a separate account of the salary and disbursements of each employe of the District, certified by the Chairman of said respective Committees.

**MANUAL FOR THE GUIDANCE OF THE INSPECTORS OF THE  
STATE BOARD OF CHARITIES.****THE OFFICE OF INSPECTOR.**

An inspector of the State Board of Charities is a State officer appointed by that Board under the State Civil Service Rules. The statute confers important powers and requires of him the performance of certain duties in the visitation and inspection of institutions of a charitable, eleemosynary, reformatory or correctional character or design. These powers and duties are contained in the "State Charities Law" (chapter 546, Laws of 1896). With a view to familiarize inspectors with their statutory obligations and the instructions of the State Board of Charities in relation thereto, the provisions of law relating to their powers and duties have been collated in this manual, and such explanations, instructions and regulations have been added as were deemed necessary for their information and guidance.

**I. PROVISIONS OF LAW RELATING TO THE POWERS AND DUTIES OF  
INSPECTORS.****1. *Institutions subject to inspection.***

Section 10. All institutions of a charitable, eleemosynary, reformatory or correctional character or design, including reformatories (except those now under the supervision and subject to the inspection of the prison commission), but including all reformatories, except those in which adult males convicted of felony, shall be confined, asylums and institutions for idiots and epileptics, almshouses, orphan asylums, and all asylums, hospitals and institutions, whether state, county, municipal, incorporated or not incorporated, private or otherwise, except institutions for the custody, care and treatment of the insane, are subject to the visitation, inspection and supervision of the State Board of Charities, its members, officers and inspectors.

The Court of Appeals has defined the meaning of the words "charitable institution," as used in the Constitution and the State Charities Law, as follows:

"A charitable institution, within the meaning of sections 11 to 14 of article VIII of the Constitution, chapter 771 of the Laws

of 1895, and chapter 546 of the Laws of 1896, giving to the State Board of Charities the right of visitation with respect to all charitable institutions, is one that in some form or to some extent receives public money for the support and maintenance of indigent persons, and by public money is meant money raised by taxation, not only in the State at large, but in any city, county or town."

*The important facts which should be noticed by inspectors are as follows:*

1. Certain classes of institutions are excepted from inspection by the State Board of Charities, because they are not in receipt of public money, or are under the jurisdiction of other State authorities.

2. The language of the statute makes all institutions, with the exceptions given, subject to inspection, which in *character* or *design* are charitable, eleemosynary, reformatory or correctional. Managers and officers may object to an inspection, alleging that the institution is not a charity in character or design. It is important, therefore, that inspectors should inform themselves as accurately as possible, before visiting an institution with which they are unacquainted, as to its character and the objects which it was designed to accomplish, and whether or not the institution is in receipt of public money. This information may be obtained by examining the articles of incorporation and the annual reports.

3. Objection may be made to an inspection because the institution belongs to a county or city, or because it is unincorporated or is private, but the statute is very explicit in this respect, and includes all that come under the general definition, whatever may be the nature of their origin, their location or their control.

*For decisions on this subject see*

Court of Appeals, April, 1897: *The People ex rel. Inebriate Home vs. Comptroller*, 152 N. Y. 399.

Court of Appeals, April, 1897: *The People ex rel. N. Y. Institution for the Blind vs. Fitch*, 154 N. Y. 14.

Court of Appeals, January, 1900: *The People ex rel. State Board of Charities vs. The New York Society for the Prevention of*



*Cruelty to Children*, 161 N. Y. 233 and Court of Appeals, April, 1900, 162 N. Y. 429.

Court of Appeals, February, 1901: *Fox vs. Mohawk and Hudson River Humane Society*, 165 N. Y. 517.

**2. *Inspections may be made at any and all times.***

Section 10, continued: Such institutions may be visited and inspected by such Board, or any member, officer or inspector duly appointed by it for that purpose, at any and all times.

No examination of an institution can be made for the purpose of obtaining all of the information which the law requires when the inspector is limited as to the time of his inspection by any rules or regulations of the managers or officials. The everyday working condition of all parts of an institution can most satisfactorily be determined only by the casual and unexpected visits of the inspector. For example, unannounced visits must be made at meal times to learn the kind, quality and quantity of foods ordinarily served, and visits to the dormitories at night is the only method of deciding as to their ventilation.

**3. *Powers of inspectors during an inspection.***

Section 10, continued: Any member or officer of such Board, or inspector duly appointed by it, shall have full access to the grounds, buildings, books and papers relating to any such institution, and may require from the officers and persons in charge thereof, any information he may deem necessary in the discharge of his duties.

The statutory powers of inspectors during an inspection enable them to obtain full and accurate knowledge of the entire premises and of every feature of the institution and its management. They have the right to see personally every part of the buildings and premises, every inmate, all of the books, records and papers, and finally they may require any additional information deemed necessary for the proper discharge of their duties. In exercising these powers, inspectors should be courteous and considerate towards officers of institutions, and whenever refused unlawfully they should use no force nor mandatory language, but discontinue the inspection and withdraw and report the facts to the Board for its action.

**4. *Relation of officers, superintendents and employes of institutions to inspectors of the Board.***

Section 10, continued: Any officer, superintendent or employe of any such institution, society or association who shall unlawfully refuse to admit any member, officer or inspector of the Board, for the purpose of visitation and inspection, or who shall refuse or neglect to furnish the information required by the Board or any of its members, officers or inspectors, shall be guilty of a misdemeanor, and subject to a fine of one hundred dollars for each such refusal or neglect. The right and powers hereby conferred may be enforced by an order of the supreme court after notice and hearing, or by indictment by the grand jury of the county or both.

This clause of the section establishes the character of the offense committed by an officer, superintendent or employe of an institution, society or association who unlawfully refuses to admit an inspector for the purpose of inspection, or refuses or neglects to furnish information required. It also prescribes the method of enforcing the rights and powers of the inspector.

**5. *Inspectors confidential agents of the Board.***

Section 10, continued: No such officer or inspector shall divulge or communicate to any person without the knowledge and consent of said Board any facts or information obtained pursuant to the provisions of this act; on proof of such divulgement or communication such officer or inspector may at once be removed from office.

The necessity of this restriction upon inspectors grows out of the extraordinary powers of inquiry into the affairs of institutions given them by law in making inspections. Inspectors are peculiarly exposed to the temptation of giving information in regard to facts obtained in the performance of their duties. Officers of institutions are very liable to make inquiries of them as to the condition and management of other institutions of the same class. While much of the information thus sought might be given, not only without detriment, but even with benefit, the occasional scandals that might result render the legal restriction eminently wise and conservative.

No record, document or paper containing information considered confidential regarding the history and personality of any

inmate, and sealed or kept under lock and key, by resolution duly adopted by the board of managers of any institution, shall be examined by any inspector, except by direction of the State Board of Charities.

## II. PROVISIONS OF LAW RELATING TO THE SUBJECTS OF INQUIRY DURING INSPECTION.

Section 11. This section provides that "on such visits, inquiry shall be made to ascertain" the following information:

1. *Whether all parts of the State are equally benefited by the institution requiring State aid.*

To obtain this information the inspector must first learn from the act creating the institution the precise terms on which it is required to receive inmates from the several counties of the State or of the district to which its operations are confined. Then a census of the inmates must be taken and the residence of each noted. Finally, the population of each county entitled to representation in the institution must be taken as the basis of calculation as to the proper ratio of inmates from each county in the institution.

2. *The merits of any and all requests on the part of any such institution for State aid, for any purpose other than the usual expenses thereof, and the amount required to accomplish the object desired.*

Inquiries required by this section are to be made only when the managers of institutions make requests for State aid for some specific purpose. They are not subjects of inquiry, therefore, on every inspection, and should receive the attention of the inspector only when directed by the State Board of Charities.

3. *The sources of public moneys received for the benefit of such institution, as to the proper and economical expenditure of such moneys and the condition of the finances generally.*

The sources of public moneys received for the benefit of an institution, and the condition of the finances generally, are subjects for special inquiry under the direction of the Board; but inquiries as to the expenditure of moneys ought to be constantly

in the mind of the inspector during his inspections, and accurate notes should be made whenever he discovers evidences of improper and uneconomical uses of the funds of an institution. Improper expenditures are more likely to be found in the purchase of luxuries, as in furniture, foods, implements, horses, carriages and in other directions. The lack of economy is found in the prices paid for the great variety of articles purchased, the cost of the erection and repair of buildings.

*4. Whether the objects of the institution are being accomplished.*

The inquiries required by this provision should be taken in their larger sense. The unit in every charitable institution is the individual inmate. For his welfare alone it was established and now exists. To relieve or mitigate the special disabilities which make him an object of charity, every matter or thing connected with the institution, whether lands, buildings, furniture, officers, management, should contribute to their fullest capacity. The inspector must, therefore, in all the details of inspections, have in mind the ultimate objects of the institution and endeavor to determine how far they are accomplished by the existing conditions.

*5. Whether the laws and the rules and regulations of this Board, in relation to it, are fully complied with.*

To make the inquiries under this head, the inspector should first make himself thoroughly familiar with the laws and the rules and regulations of this Board in relation to the institution about to be inspected. The laws relating to it will be found in the State Charities Law, and other statutes, and in the act of incorporation, and the amendments thereto. The rules of the Board will be found in its manual or in other form at the central office. Inquiry should be made as to whether a copy of the Board's manual is in the hands of the managers. Three classes of institutions are now operating under the rules of the Board, namely: 1. Institutions wholly or partly under private control, authorized by law to receive payments from any county, city, town or village for the support, care or maintenance of inmates. (*Chap. 546, Laws of 1896.*) 2. Homes, retreats and asylums for the care and maintenance of aged, decrepit and mentally en-

feebled persons who are not insane. (*Chap. 914, Laws of 1896.*)

3. Dispensaries. (*Chap. 368, Laws of 1899, as amending Chap. 546 of the Laws of 1896.*)

6. *Its methods of industrial, educational and moral training, if any, and whether the same are best adapted to the needs of its inmates.*

The methods of industrial, educational and moral training in practice in an institution can be learned by inquiry and observation, but it requires large experience and good judgment to determine whether they are best adapted to the needs of its inmates. Inspectors should make very accurate notes of the method of training in each of these branches, and report the facts, with such observations as they may have made as to the effects upon the inmates.

7. *The methods of government and discipline of its inmates.*

It is difficult to determine definitely the government and discipline of an institution, as in obtaining information the inspector is limited to inquiry, for by his observation he can determine only the most superficial facts. His inquiries must not be limited to officers and attendants, but must include such inmates as, in his opinion, will make truthful statements. Inquiries of inmates should be very judiciously made, in order not to prejudice them against attendants. In general, they should be examined singly and in private, that they may not be actuated by fear.

8. *The qualifications and general conduct of its officers and employes.*

The opinion of the inspector in regard to the qualifications and general conduct of officers and employes must be formed chiefly by observation and intercourse with them. In his examination of the different departments of an institution he should carefully discriminate as to the officer or employe who is personally responsible for the conditions found, and thus he can very accurately determine his qualifications and general conduct. In his intercourse with officers and employes, the inspector can form

a very accurate judgment as to their fitness for their position by the discussion of topics relating to their duties.

*9. The condition of its grounds, buildings and other property.*

This information is obtained only by personal inspection. It is very important that these inspections be made in a methodical manner, in order that nothing shall escape thorough examination. Each matter or thing undergoing inspection should be exhaustively examined before another is undertaken.

*10. Any other matter connected with or pertaining to its usefulness and good management.*

During an inspection many incidents will occur and many observations will be made bearing on the usefulness of the institution and its management. Ample notes and full reports should be made of everything that in any manner comes to the knowledge of the inspector illustrating its condition and management.

III. RULES AND REGULATIONS OF THE BOARD RELATING TO INSPECTORS AND INSPECTION.

*1. Relation of inspectors to District Committees.*

1. All inspectors will be under the special direction of the District Committee to which they are assigned by the Board, and will receive their orders either directly from the chairman of the District Committee or the Superintendent of Inspection, or through their District Superintendent.

2. All assignments of inspectors for ordinary inspection will be made by the District Committees, while special inspection duties may be assigned by the Board.

*2. The relation of inspectors to the institutions which they inspect.*

1. In all visitations and inspections, inspectors, while maintaining their statutory privileges, will so conduct their investigations as to avoid unnecessary friction on the part of the officers of institutions, or to disturb the usual daily routine of the service. The establishment of cordial coöperation on the part of the managers and officers of institutions will facilitate the work of inspection.

2. Inspectors must not criticise the management of institutions, either publicly or privately, but in their reports to the Board they shall accurately describe such defects as, in their opinion, require to be remedied; nor shall they direct or advise changes to be made of any matter or thing in any institution unless first specifically authorized by the Board, the District Committee, the Commissioner of the district, or, in his absence, some other Commissioner.

**3. *The conduct of inspections.***

**1. Special inspections.**

A special inspection is a visit to an institution to inquire or examine as to some particular fact or condition. It may be made at any time, the hour selected being the best adapted to obtain the desired information.

For example, the inspector might wish to learn by his own observation of the kind of food served to the inmates at dinner. This information could be secured only by a personal visit unannounced at the dinner hour.

**2. General inspections.**

All general inspections should be made in accordance with a plan which, while it economizes the time of the inspector and officials, and creates the least possible disturbance of the ordinary details of daily management, will secure a thorough inquiry into the operations and condition of every department of an institution. The inspector should always carry a note-book and make an immediate entry of every observation. The following scheme of a general inspection is best adapted to secure reliable results:

1. Before visiting an institution, the inspector should familiarize himself, as far as possible, with the law relating to it, the objects it is designed to accomplish, as set forth in its charter and its previous history. This information can be obtained at the offices of the Board and will enable the inspector to anticipate the defects of management which may exist.

2. On entering the institution the inspector should first call on the chief officer and inform him of his intention to make a general inspection. If this officer volunteers to accompany him he should accept the offer, but the inspector should not be diverted

from the plan of inspection proposed, unless the suggestions of such officer would manifestly facilitate the work or accomplish some other useful purpose.

3. In order to see the institution in its usual every-day working condition, the inspector should at once visit those parts where such changes may readily be made in existing conditions as will give false impressions if there is any delay. The changes more likely to be made are in the clothing, location or surroundings of certain troublesome inmates. The inspector should, therefore, first make a rapid tour of the institution and endeavor to see all of the inmates in whatever place and condition they may be found. He should next pass rapidly through the dormitories, the kitchen, the laundry and other departments. Having completed this preliminary survey, he should commence a detailed, exhaustive examination of the entire establishment. Every room in the entire building should be examined in regular succession, with the single exception of the chief officers' living rooms. No attendants' rooms, no closets or clothes room, no pantry or cupboard, no wardrobe or recess, no cellar or attic should be exempt from inspection. Every inmate should be seen, and those whose appearance indicates diseases of the eyes or scalp, or uncleanness of person, or deficient clothing or any other evidences of neglect, should be made the subject of special inquiry. If there is a farm connected with the institution, inquiry should be made as to the crops raised and their value, the amount of labor of inmates, and the cost of hired labor, and the final disposition of the products of the farm. The inspection may close with the examination of the books, records and papers.

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## FIELDBOOK FOR INSPECTORS OF CHARITABLE INSTITUTIONS AND SOCIETIES.

### PREFACE.

This manual is not designed to supersede or to be in any sense a substitute for the larger manual published by the Board in 1903, with which the inspectors of the Board are expected to be entirely familiar, but is intended to supplement and interpret for the use



of inspectors the laws and those portions of the manual which relate to the scope of inspections.

The Department of Inspection was organized for the purpose of carrying out the following provisions of the State Charities Law:

#### ARTICLE I.

Section 11. Powers and Duties of the Board on Visits and Inspections.—On such visits inquiry shall be made to ascertain:

1. Whether all parts of the State are equally benefited by the institutions requiring State aid.

2. The merits of any and all requests on the part of any such institution for State aid, for any purpose, other than the usual expenses thereof; and the amount required to accomplish the object desired.

3. The sources of public moneys received for the benefit of such institution, as to the proper and economical expenditure of such moneys and the condition of the finances generally.

4. Whether the objects of the institution are being accomplished.

5. Whether the laws and the rules and regulations of this Board in relation to it are fully complied with.

6. Its methods of industrial, educational and moral training, if any, and whether the same are best adapted to the needs of its inmates.

7. The methods of government and discipline of its inmates.

8. The qualifications and general conduct of its officers and employes.

9. The condition of its grounds, buildings and other property.

10. Any other matter connected with or pertaining to its usefulness and good management.

It will be seen from the above statute that the ground to be covered in the inspection of a given institution is quite extensive and that a thorough inquiry is required if the Board is to perform conscientiously the duties laid upon it by the Constitution and the law. Reduced to concrete terms the subjects to be covered in a general inspection are indicated by the following outlines for such inspections of each of the following classes of institutions or societies:

- A. Orphan Asylums or Homes for Children.
- B. Hospitals.
- C. Dispensaries.
- D. Agencies for Placing Out or Boarding Out Children in Families.
- E. Homes for the Aged.
- F. Reformatories (under private management).

Each outline is intended to cover the essential points in a careful inspection, but other matters will doubtless suggest themselves from time to time as proper subjects for inquiry. It will be noted that such outline is divided into sections corresponding to the different phases of institution management, viz.: supervision, administration, plant, education, census, etc.

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#### A. OUTLINE FOR GENERAL INSPECTIONS OF ORPHAN ASYLUMS OR HOMES FOR CHILDREN.

General inspections and reports upon institutions in this class should cover the following points. In writing these reports follow this outline, so far as possible:

##### I. INTRODUCTION.

Give name and location of institution.

Secure names and addresses of the president, the secretary and the treasurer of the governing board and of the chief officer and the attending physician of the institution and note them in the report.

Give dates of present and last inspections.

##### II. IMPROVEMENTS AND CHANGES SINCE LAST INSPECTION.

Note under this head what action has been taken in regard to the defects enumerated in the last report upon the institutions in question and any improvements made by the management on its own initiative.

##### III. APPROPRIATIONS OR RECEIPTS OF PUBLIC MONEY.

**Note:** 1. Appropriations or receipts of public money for current or last fiscal year and state whether from city, town

and county, gross or per capita and also similar facts in regard to all appropriations for educational work.

2. The authority for such appropriations.

#### IV. CAPACITY, CENSUS, AGES AND CLASSIFICATION OF INMATES.

*Note:* 1. The number of beds for boys. The number of beds for girls. Total capacity.

2. The number of boys, the number of girls, and the total number present.

3. The number of public charges, the number of private charges.

4. The ages of the children:

- a. The number under 2.

- b. The number from 2 to 12 years of age.\*

- c. The number from 12 to 16 years of age.

- d. The number over 16 years of age.

5. Is due attention given to securing a careful and sensible classification of the children?

6. What are the bases of classification and how far followed?

7. Whether the system of classification meets the needs of the children.

#### V. SUPERVISION.

*Note:* 1. The frequency and regularity of meetings of the governing body.

2. The character and frequency of visits by officers and members of the governing body.

3. Other evidences of managers' interest.

4. The work of the important supervisory committees, Executive, Finance, Visiting, House, Admissions and Discharges, etc.; when they meet, how frequently they visit, etc.

#### VI. ADMINISTRATION.

*Note:* 1. The names of the superintendent, steward, housekeeper (matron), head teacher, and other officers, their pre-

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\* Differentiation of the ages between 2 and 12 is left to the judgment of the inspector.

vious experience elsewhere and length of service in this institution.

- 2. The number of employes in each department.
- 3. Any defects in management, such as failure to perform duties.

VII. PLANT.

- Note:*
1. The condition and suitability of the buildings and grounds.
  2. The suitability, condition and adequacy of the dining rooms and furniture.
  3. The suitability, condition and adequacy of the school-rooms and furniture.
  4. Suitability, condition and adequacy of the playrooms and furniture.
  5. Suitability, condition and adequacy of dormitories.
  6. The kind and condition of beds.
  7. The condition, suitability and adequacy of the quarters of officers and employes.
  8. The condition and adequacy of the heating, lighting, ventilating, water supply and sewerage systems.
  9. The location, condition, equipment, adequacy and methods of work of the laundry. Examine the linen of the institution with this in mind.

VIII. FIRE PROTECTION.

- Note:*
1. Height and material of buildings and whether of fire-proof construction or not.
  2. Number and location of interior stairways and whether fireproof.
  3. Number, location and construction of outside stairways and fire-escapes, and if same can be reached easily.
  4. Fire alarm connection, and date of last inspection by local fire department.
  5. Number and location of standpipes; length and condition of hose and how often tested.
  6. Number and location of portable fire-extinguishers, hand grenades, fire-pails, etc.
  7. Organization and practice of fire drills.

8. Whether night patrol service is established with use of watchman's clock.
9. Protection given swinging gas jets and other heating or lighting fixtures in proximity to woodwork, etc.
10. Presence of rubbish, particularly in attics, cellars, etc., or of oils, inflammable liquids, etc., and care given same.

#### IX. EDUCATION.

(Insert information required by special educational blank if not already secured.)

- Note:* 1. Whether the children attend the public school, the parochial school, the institution school or have no common school work.
2. If the school is in the institution, the number of classes, the number of teachers, the number of pupils and the number of hours' work given in each of the following departments:
    - a. Kindergarten.
    - b. Primary.
    - c. Grammar.
    - d. Manual training (girls, boys).
    - e. Industrial training (girls, boys).
  3. The studies taught and lines of work pursued in each department.
  4. The number of licensed teachers.
  5. The number of unlicensed teachers.
  6. Number of teachers with previous experience.
  7. Number of teachers without previous experience.
  8. The number of paid teachers.
  9. The number of unpaid teachers.
  10. The date of last examination by the public school or other outside authorities, specifying same.
  11. The methods of teaching, adequacy and thoroughness of the work being done, etc.

#### X. MORAL TRAINING AND DISCIPLINE.

- Note:* 1. The methods of reward and punishment. Is corporal punishment practiced? If so, is record of punishments made?

2. Whether the children have property rights in clothing; in playthings or other articles.
3. Whether the use of money is taught and how.
4. What other responsibilities are placed upon the children?
5. The methods of moral and ethical training; are they rational and do they seem to be adapted to the needs of the children?

XI. PHYSICAL TRAINING AND RECREATION.

- Note:*
1. What physical exercises are given?
  2. Whether the institution has a gymnasium and an instructor.
  3. Whether military drill is taught.
  4. The sports and games played.
  5. What facilities for play and games does the institution provide, both for the boys and girls?
  6. Whether the children are encouraged to play. Are their sports or games of their own devising?
  7. Whether they have athletic teams or organizations.
  8. Whether they have social clubs or classes.
  9. Whether they are given vacations or outings.
  10. Whether they have visits from friends, and the rule of the institution as to visiting days.
  11. Whether they have the use of books, and read them.
  12. Number of volumes in library, and the general character of the books.

XII. HEALTH AND HYGIENE.

- Note:*
1. Number of cases of contagious diseases for a recent period of six months or a year.
  2. Number of cases of noncontagious diseases for a similar period.
  3. Number of deaths for a similar period and the chief causes and numbers respectively.
  4. The appearance of the children as regards healthfulness; their color, activity, etc.
  5. The construction of the toilet rooms and how far privacy is secured.
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6. Condition of toilet rooms and fixtures.
7. Oversight of bathing and the person in charge.
8. Whether an individual or multiple system of baths is used, and whether the baths are of the spray, shower or tub variety.
9. Condition of bathrooms and facilities, and whether roller or individual towels are used.
10. Frequency of baths, and if the water is changed after each tub bath.
11. Whether the children wash their hands before each meal.
12. Condition of facilities for ablutions of hands, and whether roller or individual towels are used.
13. Whether the children have individual hair brushes, combs and tooth brushes, and the condition of the same.
14. What provision is made for the care of the eyes and teeth of the children?
15. The individual children in respect to the care given their eyes, teeth and heads, the cleanliness of their persons and clothing, and the frequency with which their bed linen is changed.
16. Any crippled, defective or abnormal children and ascertain the salient facts in their cases with a view to securing early attention for their difficulties and such special treatment or care as is needed.
17. Date of last inspection by board of health (local).
18. Schedule of the day:
  - a. Hour of rising.
  - b. Time allowed for meals.
  - c. Time allowed for school.
  - d. Time allowed for study.
  - e. Time allowed for household duties.
  - f. Time allowed for shop work.
  - g. Time allowed for physical training and recreation.
  - h. Hour of retiring.

XIII. COMPLIANCE WITH HEALTH LAW.

- Note:* 1. Whether the physician's name and address are posted properly; also, whether his services are given gratuitously or not.
2. Whether there is individual examination of newcomers and certificates filed.
3. The maintenance and length of reception quarantine, and whether the physician always discharges inmates therefrom.
4. Whether there is a monthly examination of children and premises and if the reports thereon are properly filed.
5. Whether the beds are separated by passageways two feet in width.
6. Whether 600 cubic feet of air space per bed is found in the dormitories, or where less space is allowed, whether there are official dormitory permits properly posted.
7. Number of beds and cubic air space per bed allowed in such permits and the actual number of beds and cubic air space per bed.

XIV. CLOTHING.

Examine a number of children as to their clothing and note the number so examined.

- Note:* 1. Condition and adequacy of clothing worn; neatness, suitability, repair, etc.
2. Kinds of underwear worn both in winter and in summer, and if supplied in full suits.
3. Frequency of change and washing of underwear.
4. Method of caring for day clothing at night and vice versa.
5. Also clothing not being worn at time of inspection—"best clothes," articles in "clean clothes" rooms and closets and in the sewing rooms; also the supplies of clothing made up but not yet in use, and the material on hand.
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**XV. DIETARY.**

Secure and append copy of diet schedule if obtainable and state how far followed.

- Note:* 1. Menu of meals for the day, and indicate those at which inspector was present.  
2. Quality, preparation and serving of food.  
3. Whether the children lunch between meals.  
4. Daily milk supply per capita.

**XVI. RECORDS AND REPORTS.**

- Note:* 1. System of records of children kept; whether book or card or a combination of both systems.  
2. Whether they are complete, accurate and accessible.  
3. Whether a visitor's book is kept for parents and relatives and if addresses are properly entered.  
4. Whether the visits of managers are recorded.  
5. Whether records of children discharged are kept and what methods of keeping in touch with them are used.  
6. By whom the books of the institution are kept.  
7. Whether a record of disposition of supplies is kept.

**XVII. SPECIAL FEATURES OR MATTERS.**

This heading is designed to afford opportunity for the discussion of such matters as cannot readily or properly be classified under the other headings—any unique features of the institution or its management, unusual conditions, particular excellencies or defects, etc.

**XVIII. NEEDS, CONSIDERATIONS AND RECOMMENDATIONS  
(IN ORDER).**

Under this heading the inspection and report should focus. The needs of the institution should be noted with much care during the inspection and stated in the report with clearness, completeness and yet with brevity so as to present a definite, illuminating and truthful picture to a person not familiar with the institution.

## B. HOSPITALS.

General inspections and reports upon hospitals should cover the following points, and in writing these reports follow this outline as far as possible:

### I. INTRODUCTION.

Give name and location of hospital and dates of present and last inspections.

Secure names and addresses of officers of the Board of Managers and of the Superintendent of the hospital and note them in the report.

### II. IMPROVEMENTS AND CHANGES SINCE LAST INSPECTION.

Note under this head the defects enumerated in the last report upon the hospital in question and state what action has been taken thereon. Also any improvements made by the management on its own initiative.

### III. APPROPRIATIONS OR RECEIPTS OF PUBLIC MONEY.

- Note:* 1. Appropriations or receipts of public money for the current or last fiscal year, and state whether from city, town or county, gross or per capita, if per capita, at what rate; also the authority therefor.
2. Rates charged for paying patients.

### IV. CAPACITY AND CENSUS.

- Note:* 1. Number beds, male surgical wards.
2. Number beds, female surgical wards.
3. Number beds, male medical wards.
4. Number beds, female medical wards.
5. Number beds, maternity wards.
6. Number beds, children's wards.
7. Number beds, emergency wards.
8. Number beds, other public wards.
9. Number beds, private wards and rooms.
10. Total capacity for patients.
11. Number public charges.

- Note:* 12. Number private charges.  
13. Number paying patients.  
14. Total number present.  
15. Number of men.  
16. Number of women.  
17. Number of children.

#### V. SUPERVISION.

- Note:* 1. The frequency and regularity of meetings of the Board of Managers.  
2. The character and frequency of visits by members of the governing body.  
3. Other evidences of managers' interest.  
4. The work of the important supervisory committees, Executive, Finance, Visiting, House, Admissions and Discharges, etc. When they meet, how frequently they visit, etc.

#### VI. ADMINISTRATION.

- Note:* 1. The names, previous experience, length of service, etc., of officers (heads of departments) only.  
2. The number of employes in each department of the hospital.  
3. Number of visiting staff.  
4. Number of consulting staff.  
5. Number of house staff; how appointed and term of service.  
6. Number of nurses, length of course; monthly allowance and whether pupil nurses engage in private nursing during training.  
7. Any defect in management, particularly any failure to perform duties.

#### VII. PLANT.

- Note:* 1. Condition, suitability and adequacy of the buildings and grounds.  
2. Condition and adequacy of the ward dining rooms and furniture.

## **CONSTITUTIONAL PROVISIONS, LAWS, BY-LAWS AND RULES. 683**

3. Condition and adequacy of the wards and the ward furniture, amount of floor and air space per bed in each ward and if sufficient.
4. Condition and adequacy of quarters assigned the house staff, nurses and employees.
5. Condition and adequacy of the operating room and its equipment.
6. Condition and adequacy of the kitchen and its equipment.
7. Condition and adequacy of the laundry and its equipment, the methods of work and the condition of the clothes after laundering.
8. Condition and adequacy of the systems of heating, lighting, ventilation, water supply and sewage disposal.

### **VIII. FIRE PROTECTION.**

(Same as VIII, Outline A, "Orphan Asylums.")

### **IX. DIETARY.**

(Secure and append copy of diet schedule, if obtainable, and state how far followed.)

- Note:*
1. Classes of diet (regular, special, extra, milk, etc.).
  2. Menu of meals (regular diet) on day of inspection, and indicate those at which inspector was present.

### **X. RECORDS AND REPORTS.**

- Note:*
1. The system of records kept; book, card or a combined book and card system.
  2. Whether they are complete, accurate and accessible.
  3. Whether the visits of managers are recorded.
  4. By whom the books of the institution are kept.
  5. Whether a record of the disposition of supplies is kept.
  6. The total number of days' care for a given period (six months or a year).
  7. The average duration of stay for the same period.
  8. Total number of ambulance calls for the same period.

### XI. SPECIAL FEATURES AND MATTERS.

This heading is designed to afford opportunity for the discussion of such matters as cannot readily or properly be classified under the other headings; any unique features of the hospital or its management, unusual conditions, particular excellencies or defects, etc.

### XII. NEEDS, CONSIDERATIONS AND RECOMMENDATIONS (IN ORDER).

Under this heading the inspection and report should focus. The needs of the hospital should be noted with much care during the inspection and stated in the report with clearness, completeness and yet with brevity, so as to present a definite, illuminating and truthful picture to a person not familiar with the institution.

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### C. DISPENSARIES.

General inspections and reports upon dispensaries should cover the following points. In writing these reports follow this outline so far as possible:

#### I. INTRODUCTION.

Give name and location of dispensary and dates of present and last inspections.

Secure names and addresses of officers of the board of managers and of the superintendent of the dispensary and note them in the report.

#### II. IMPROVEMENTS AND CHANGES SINCE LAST INSPECTION.

Note under this head the defects enumerated in the last report upon the dispensary in question and state what action has been taken thereon. Also any improvements made by the management on its own initiative.

#### III. APPROPRIATIONS OR RECEIPTS OF PUBLIC MONEY.

*Note:* 1. Appropriations or receipts of public money for current or last fiscal year, whether from city, town or county, gross or per capita, and the authority therefor.

IV. SUPERVISION.

- Note:* 1. Frequency and regularity of board meetings.  
2. Frequency of official and unofficial visits.  
3. Other evidences of managers' interest.  
4. Work of important supervisory committees.  
5. Whether the dispensary is connected with another society or under a separate board of managers.

V. ADMINISTRATION.

- Note:* 1. The names of the officers, their previous experience elsewhere and length of service in this dispensary.  
2. Total number of officers and employes.  
3. Size of medical staff.  
4. Hours dispensary is open.  
5. Any defects in management, such as failure on the part of any officer or employe to perform his duties.

VI. PLANT.

- Note:* 1. Nature, condition, suitability and adequacy of building.  
2. Condition, suitability and adequacy of waiting rooms.  
3. Condition, suitability and adequacy of clinic rooms.  
4. Condition, suitability and adequacy of apothecary's shop.  
5. Condition, suitability and adequacy of systems of heating, lighting, ventilation and sewerage.

VII. RECORDS AND REPORTS.

- Note:* 1. The system of records; whether book, card or both book and card.  
2. Whether complete, accurate and accessible.

VIII. COMPLIANCE WITH THE RULES OF THE BOARD.

*Note* compliance or otherwise with rules:

1. Posting of public notice.
2. Appointment of registrar.
3. Duties of registrar.
  - a. Prompt treatment of emergency cases.

- b. Admission of needy applicants after personal examination and inquiry.
- c. Use of representation cards in doubtful cases, and subsequent investigation.
- d. Use of admission cards with penalty printed on back.
- 4. Appointment of matron; presence at examinations and operations.
- 5. Exclusion of certain contagious diseases.
- 6. Clinical and other instruction permitted but forbidden as a condition for treatment.
- 7. Licensed apothecary.
- 8. Compliance with ordinances of board of health and minute thereon.
- 9. Seats for all applicants; arrangements for separation of sexes in waiting rooms; suitable quarters and equipment.

#### IX. STATISTICS.

- Note:*
- 1. Number of vaccinations.
  - 2. Number of prescriptions.
  - 3. Number of new cases.
  - 4. Number of old cases.
  - 5. Total treatments.
  - 6. Dispensary days.
  - 7. Average per day.

#### X. SPECIAL FEATURES OR MATTERS.

This heading is designed to afford opportunity for the discussion of such matters as cannot readily or properly be classified under the other headings; any unique features of the dispensary or its management, unusual conditions, particular excellencies or defects, etc.

#### XI. NEEDS, CONSIDERATIONS AND RECOMMENDATIONS (IN ORDER).

Under this heading the inspection and report should focus. The needs of the dispensary should be noted with much care during the inspection and stated in the report with clearness,

completeness and yet with brevity so as to present a definite, illuminating and truthful picture to a person not familiar with the dispensary.

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#### D. PLACING OUT OR BOARDING OUT AGENCIES.

General inspections and reports upon placing out or boarding out agencies should cover the following points. In writing these reports follow this outline as far as possible:

##### I. INTRODUCTION.

Give name and location of agency and dates of present and last inspections.

Secure names and addresses of officers of the Board of Managers and of the Superintendent of the agency and note them in the report.

##### II. IMPROVEMENTS AND CHANGES SINCE LAST INSPECTION.

Note under this head the defects enumerated in the last report upon the agency in question and state what action has been taken thereon. Also any improvements made by the management on its own initiative.

##### III. APPROPRIATIONS OR RECEIPTS OF PUBLIC MONEY.

- Note:*
1. Amount of appropriations and receipts of public money for current or last fiscal year.
  2. Authority for such appropriations or payments.
  3. Whether made by city, town or county officials and whether on a basis of gross or per capita payments and if per capita, the rate of payment to the agency.
  4. Rate of payment to families for children boarded out.

##### IV. SUPERVISION.

- Note:*
1. Frequency and regularity of Board of Managers' meetings.
  2. The work of the important supervisory committees.
  3. Whether the managers pass upon the applications for children and the assignment of children to homes.
  4. Other evidences of managers' interest.
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## V. ADMINISTRATION.

- Note:* 1. The names of the officers of the agency, their previous experience elsewhere and their length of service in their present positions.
2. The list of employees.
3. Any failure of officers to perform duties properly.

## VI. PLANT.

- Note:* 1. Adequacy, suitability and condition of the agency's equipment, including temporary home, if any.

## VII. CENSUS.

- Note:* 1. Number public charges, boys, girls.
2. Number private charges, boys, girls.
3. Total number of children in charge of society on date of inspection, boys, girls.
4. Number in free homes, boys, girls.
5. Number in boarding homes, boys, girls.
6. Number in agency's temporary home, boys, girls.
7. Number in other institutions, hospitals, etc., boys, girls.

## VIII. HEALTH OF CHILDREN.

(For agencies boarding out children in families.)

- Note:* 1. Number of cases of sickness during the year.
2. Number of deaths.
3. Chief causes of deaths and the numbers of each.

## IX. CLOTHING.

- Note:* 1. Whether the agency supplies clothing to the children whom it boards or places out, and if so, what kind?

## X. SELECTION OF THE CHILDREN.

- Note:* 1. The sources from which the children are drawn.
2. Whether investigation into the circumstances of children's parents is made.
3. Whether care is taken to keep family of child intact where possible.

**XI. SELECTION OF HOMES.**

- Note:**
1. The records and reports secured before placing of child.
  2. The methods employed for investigating the suitability of the homes:
    - a. Correspondence with applicant.
    - b. Correspondence with references given by applicant.
    - c. Correspondence with references secured independently of the applicant.
    - d. Visits to the applicant's home by agent of the society before child is placed.
  3. The agency's requirements of families receiving children:
    - a. As to school attendance.
    - b. Child's privileges and place in the family.
    - c. As to remuneration of child after majority (free homes).

(Secure copy of usual agreement.)
  4. Results of visits to two or three homes selected at random, noting their character and if the children and their homes seem well suited to each other.

**XII. OVERSIGHT OF CHILDREN IN HOMES.**

- Note:**
1. The methods of keeping in touch with the children until their majority:
    - a. By visiting children in their homes.
    - b. By correspondence with children.
    - c. By visits of children to agency.
    - d. By reports and letters from foster parents.
    - e. By reports and letters from school-teachers.

**XIII. LOCATION OF HOMES.**

- Note:**
1. States and localities to which children are largely sent.
  2. States requiring bonds of the agency.

**XIV. RECORDS AND STATISTICS.**

- Note:**
1. Whether the records of the agency are accessible, complete, accurate and kept in an orderly manner.

2. Number of applications for children received during given period.
3. Number approved.
4. Number disapproved.
5. Number boarded in families during a given period.
6. Number placed in free family homes during a given period.
7. Number of investigations of prospective homes during a given period.
8. Number of visits by agents to children during a given period.
9. Number of reports from teachers of children during a given period.
10. Number of letters from children during a given period.
11. Number of defective or crippled children in care of the society, or those otherwise unsuitable for placing out.

#### XV. SPECIAL FEATURES OR MATTERS.

This heading is designed to afford opportunity for the discussion of such matters as cannot readily or properly be classified under the other headings; any unique features of the agency or its management, unusual conditions, particular excellencies or defects, etc.

#### XVI. NEEDS, CONSIDERATIONS AND RECOMMENDATIONS (IN ORDER).

Under this heading the inspection and report should focus. The needs of the agency should be noted with much care during the inspection and stated in the report with clearness, completeness and yet with brevity so as to present a definite, illuminating and truthful picture to a person not familiar with the agency.

(A set of the blank forms used by the agency should be secured.)

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#### E. HOMES FOR THE AGED.

General inspections of institutions in this class may follow outline A (for orphan asylums) in part only, as follows. In writing the report the sections should be renumbered:

- Section
- I. Introduction.
  - II. Improvements and changes.
  - III. Appropriations and receipts of public money.
  - IV. Census, age and classification of inmates. Headings Nos. 1, 2 (number of men and women), 4 and 5 only.
  - V. Supervision.
  - VI. Administration.
  - VII. Plant. Headings Nos. 1, 2, 5, 6, 7, 8, 9 and 10 only.
  - VIII. Fire protection.
  - XI. Physical training and recreation. Headings 10, 11 and 12 only.
  - XII. Health and hygiene. Headings 6, 9 and 17 only.
  - XIV. Clothing.
  - XV. Dietary. Headings 1 and 2 only.
  - XVI. Records and reports. Headings 1, 2, 4, 6 and 7 only.
  - XVII. Special features or matters.
  - XVIII. Needs, considerations and recommendations.
- 

#### F. REFORMATORIES.

General inspections of institutions in this class may follow outline A (for orphan asylums), in part only as follows. In writing the report the sections should be renumbered:

- Section
- I. Introduction.
  - II. Improvements and changes.
  - III. Appropriations and receipts of public money.
  - IV. Census, ages and classification of inmates. Headings Nos. 1, 2 and 4, without change. Heading No. 3, "Age of inmates."
    - a. No. under 12.
    - b. No. from 12 to 16.
    - c. No. from 16 to 21.
    - d. No. from 21 to 30.
    - e. No. over 30.

Also the following headings:

5. Whether the classification contemplated in chapter 353, Laws of 1886 (with amendments), and chapter 439, Laws of 1892, is observed.

6. Whether care is taken to secure proper classification of all other cases.

7. Under what statutes the inmates are committed.

8. The usual periods of commitment.

V. Supervision.

VI. Administration.

VII. Plant. To Heading No. 1 should be added the following, "Whether they provide for proper classification." To Heading No. 3 should be added "and of the rooms and facilities for industrial work."

VIII. Fire protection.

IX. Education. Headings 2 (B, C, D and E), 3, 4, 5, 6, 7 and 11.

X. Moral training and discipline. Headings 1 and 5 (for "children" read "inmates").

Heading 2. Whether discipline is rational, even and sustained, combining firmness with kindness.

Heading 3. Whether the inmates are graded and pass from one grade to another according to conduct.

Heading 4. Whether the term of commitment may be shortened by good conduct, and to what extent the inmates are discharged for good behavior.

XI. Physical training and recreation.

XII. Health and hygiene (for "children" read "inmates").

XIII. Compliance with Health Law.

XIV. Clothing.

XV. Dietary. (Headings 1 and 2.) No. 3. Whether any distinction is made in kinds or amount

of food, according to the employment of the inmates.

XVI. Records and reports. Headings 1, 4, 5, 6, 7 (for "children" read "inmates").

XVII. Special features and matters.

XVIII. Needs, considerations and recommendations.

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### G. FRESH AIR CHARITIES.

General inspections and reports upon charities in this class should cover the following points. In writing these reports follow this outline as far as possible:

#### I. INTRODUCTION.

Give name of agency and location of main office and fresh air property.

Secure names and addresses of the president, the secretary and the treasurer of the governing board and of the chief officer and the attending physician of the agency and note them in the report.

Give dates of present and last inspections.

#### II. IMPROVEMENTS AND CHANGES SINCE LAST INSPECTION.

Note under this head what action has been taken in regard to the defects enumerated in the last report upon the charity in question and any improvements made by the management upon its own initiative.

#### III. APPROPRIATIONS OR RECEIPTS OF PUBLIC MONEY.

**Note:** 1. Appropriations of public money for current or last fiscal year and state whether from city, town or county, gross or per capita.

2. The authority for such appropriations.

#### IV. CAPACITY, CENSUS, BENEFICIARIES, ETC.

**Note:** 1. Total accommodation for day parties.

Total accommodation for temporary residents.

Total accommodation for hospital cases.

2. Number of beneficiaries on date of inspection.  
Number of day parties.  
Number of temporary residents.  
Number of hospital cases.
3. Classes of beneficiaries (whether women, girls, boys, babies). Age limit of persons received.
4. How are beneficiaries grouped in matters of housing, eating, recreation, etc.? What separation of day parties from temporary residents is made?

#### V. SUPERVISION.

- Note:*
1. The frequency and regularity of meetings of the governing body.
  2. The character and frequency of visits by officers and members of the governing body.
  3. Other evidences of managers' interest.
  4. The work of the important supervisory committees, executive, finance, visiting, etc. When they meet, how frequently they visit, etc.


#### VI. ADMINISTRATION.

- Note:*
1. The names of the superintendent and other officers, their previous experience elsewhere, and length of service in this agency.
  2. The number of employes in each department.
  3. Dates of opening and closing for the season.
  4. Length of stay permitted.
  5. How are parties made up? Does the society issue its invitations directly or through other societies, agencies or individuals?
  6. Is a thorough investigation (including a medical examination) made in all cases covering the matters of house conditions, family earnings, health, etc.?
  7. The precautions taken to prevent the admission of children suffering from or exposed to contagious diseases.
  8. Any defects in management, any failure to perform duties, etc.

VII. PLANT.

- Note:* 1. The condition, suitability and adequacy of the offices, buildings and grounds and other equipment. Play rooms and furniture, dormitories, bath-houses, quarters of officers, employes, etc., and other facilities, particularly refrigerators for keeping food supplies in hot weather. (Dairy iceboxes for the care of milk.)
2. The condition and adequacy of lighting, ventilating, water supply and sewerage systems.
3. The location, equipment, adequacy and methods of work of the laundry, if any. Examine the linen with this in mind.

VIII. FIRE PROTECTION.

- Note:* 1. Height and material of buildings used by agency and whether of fireproof construction or not.
2. Number and location of interior stairways and whether fireproof.
3. Number, location and construction of outside stairways and fire-escapes; and if same can be reached easily.
4. Fire alarm connection and date of last inspection by local fire department.
5. Number and location of stand pipes; length and condition of hose, and how often tested.
6. Number and location of portable fire extinguishers, hand grenades, fire pails, etc.
7. Organization and practice of fire drills.
8. Whether night patrol service is established with use of watchman's clock.
9. Protection given to swinging gas jets and other heating or lighting fixtures in proximity to woodwork, etc.
10. Presence of rubbish, particularly in attics, cellars, etc., or of oils, inflammable liquids, etc., and care given to same.
- 



## IX. PHYSICAL TRAINING AND RECREATION.

- Note:* 1. What physical training, if any, is given.  
2. The sports and games played.  
3. What facilities for play and games does the agency provide.  
4. Are physical instructors or special persons to have charge of the children at play, employed?

## X. HEALTH AND HYGIENE.

- Note:* 1. The construction of toilet rooms and how far privacy is secured.  
2. Condition of toilet room and fixtures.  
3. Oversight of bathing and the name of person in charge.  
If there is sea or lake bathing, condition of bath houses, suits, towels. How cleaned and washed?  
Is expert swimmer in charge?  
4. Condition of bath rooms and facilities and whether roller or individual towels are used.  
5. Frequency of baths.  
6. Whether the children have individual hair brushes, combs, soap and tooth brushes, and the condition of the same.  
7. The individual children in respect to the care given their eyes, teeth and heads, the cleanliness of their persons and clothing, and the frequency with which their bed linen is changed.  
8. Frequency of change and washing of underclothing.  
9. Date of last inspection by Board of Health (Local).  
10. Schedule of the day:  
a. Hour of rising.  
b. Time allowed for meals.  
c. Time allowed for household duties.  
d. Time allowed for play, physical training, etc.  
e. Hour of retiring.

## XI. DIETARY.

Secure and append copy of diet schedule if obtainable and state how far followed:

## CONSTITUTIONAL PROVISIONS, LAWS, BY-LAWS AND RULES. 697

- Note:** 1. Menu of meals for the day, and indicate those at which inspector was present.  
2. Quality, preparation and serving of food.  
3. Whether the children lunch between meals.  
4. Daily milk supply per capita.  
5. Classes of diet in hospital, if any.

### XII. RECORDS AND REPORTS.

- Note:** 1. System of records kept; whether book or card or a combination of both systems.  
2. Whether they are complete, accurate and accessible.  
3. Whether the visits of managers are recorded.  
4. By whom the books of the agency are kept.  
5. Whether a record of disposition of supplies is kept.

### XIII. SPECIAL FEATURES OR MATTERS.

This heading is designed to afford opportunity for the discussion of such matters as cannot readily or properly be classified under the other headings—any unique features of the institution, or of its management, unusual conditions, particular excellencies or defects, etc.

### XIV. NEEDS, CONSIDERATIONS AND RECOMMENDATIONS (IN ORDER).

Under this heading the inspection and report should focus. The needs of the agency should be noted with much care during the inspection and stated in the report with clearness, completeness and yet with brevity so as to present a definite, illuminating and truthful picture to a person not familiar with the institution.

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## H. INDUSTRIAL SCHOOLS.

### I. NAME AND LOCATION OF SCHOOL, AND ADDRESSES OF CHAIRMAN AND PRINCIPAL.

#### DATES OF PRESENT AND LAST INSPECTIONS.

#### II. IMPROVEMENTS AND CHANGES.

#### III. CAPACITY AND CENSUS—BOYS AND GIRLS.

- Note:** 1. The number of boys, the number of girls, and the total number present.
-

2. The ages of the children :
  - a. The number under 2.
  - b. The number from 2 to 12 years of age.
  - c. The number from 12 to 16 years of age.
  - d. The number over 16 years of age.

#### IV. ADMINISTRATION.

- Note:*
1. The names of teachers, previous experience, length of service, certificates, salaries, etc.
  2. The attention given the matter of admission with a view to receiving only children unable to attend the public schools.
  3. Any failure to perform duties.

#### V. PLANT.

- Note:*
1. The location, condition and suitability of the buildings and grounds.
  2. The suitability, condition and adequacy of the dining rooms and furniture.
  3. The suitability, condition and adequacy of the school rooms and furniture.
  4. Suitability, condition and adequacy of the facilities for recreation.
  5. The condition and adequacy of the heating, lighting, ventilating, water supply and sewerage systems.

#### VI. FIRE PROTECTION.

- Note:*
1. Height and material of buildings and whether of fire-proof construction or not.
  2. Number and location of interior stairways and whether fire-proof.
  3. Number, location and construction of outside stairways and fire-escapes, and if same can be reached easily.
  4. Fire alarm connection, and date of last inspection by local fire department.
  5. Number and location of standpipes; length and condition of hose, and how often tested.
  6. Number and location of portable fire extinguishers, hand grenades, fire pails, etc.

**CONSTITUTIONAL PROVISIONS, LAWS, BY-LAWS AND RULES. 699**

7. Organization and practice of fire drills.
8. Protection given swinging gas jets and other heating or lighting fixtures in proximity to woodwork, etc.
9. Presence of rubbish, particularly in attics, cellars, etc., or of oils, inflammable liquids, etc., and care given same.

**VII. EDUCATIONAL WORK.**

- Note:**
1. The number of classes, the number of teachers, the number of pupils and the number of hours' work given in each of the following departments:
    - a. Kindergarten.
    - b. Primary.
    - c. Grammar.
    - d. Manual training (girls, boys).
    - e. Industrial training (girls, boys).
  2. The studies taught and lines of work pursued in each department.
  3. The methods of teaching, adequacy and thoroughness of the work being done, etc.
  4. The date of last examination by the public school or other outside authorities, specifying same.

**VIII. MORAL TRAINING AND DISCIPLINE.**

- Note:**
1. The methods of reward and punishment. Is corporal punishment practiced? If so, is record of punishment made?
  2. The methods of moral and ethical training. Are they rational and do they seem to be adequate to the needs of the children?

**IX. PHYSICAL TRAINING AND RECREATION.**

- Note:**
1. What physical exercises are given?
  2. Whether the school has a gymnasium and an instructor.
  3. What facilities for play and games does the school provide, both for the boys and girls.
  4. Whether they have the use of books and read them.
  5. Number of volumes in library, and the general character of the books.

**X. HEALTH AND HYGIENE.**

- Note:* 1. The appearance of the children as regards healthfulness; their color, activity, etc.
2. The construction of the toilet rooms and how far privacy is secured.
3. Condition of toilet rooms and fixtures.
4. Any crippled, defective or abnormal children, and ascertain the salient facts in their cases with a view to securing early attention for their difficulties and such special treatment or care as is needed.
5. The frequency and regularity of the visits of the local health officer.

**XI. RECORDS AND REPORTS.**

- Note:* 1. System of school records of children kept; and whether they are complete, accurate and accessible.
2. Whether a visitor's book is kept.
3. Whether the visits of managers are recorded.

**XII. SPECIAL FEATURES OR MATTERS.**

This heading is designed to afford opportunity for the discussion of such matters as cannot readily or properly be classified under the other headings—any unique features of the school or its management, unusual conditions, particular excellencies or defects, etc. The suitability of the location in reference to poorest class of children, for example.

**XIII. NEEDS, CONSIDERATIONS AND RECOMMENDATIONS (IN ORDER).**

Under this heading the inspection and report should focus. The needs of the school should be noted with much care during the inspection and stated in the report with clearness, completeness and yet with brevity so as to present a definite, illuminating and truthful picture to a person not familiar with the institution.

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**I. TEMPORARY HOMES.**

General inspections of institutions in this class should cover the following points:

## CONSTITUTIONAL PROVISIONS, LAWS, BY-LAWS AND RULES. 701

### I. INTRODUCTION.

Give name and location of institution.

Secure names and addresses of the president, the secretary and the treasurer of the governing board, and of the chief officer and the attending physician of the institution and note them in the report.

Give dates of present and last inspections.

### II. IMPROVEMENTS AND CHANGES SINCE LAST INSPECTION.

Note under this head what action has been taken in regard to the defects enumerated in the last report upon the institution in question and any improvements made by the management on its own initiative.

### III. APPROPRIATIONS OR RECEIPTS OF PUBLIC MONEY.

- Note:** 1. Appropriations of public money for current or last fiscal year and state whether from city, town or county, gross or per capita, and also similar facts in regard to all appropriations for educational work.
2. The authority for such appropriations.

### IV. CAPACITY, CENSUS, AGES AND CLASSIFICATION OF INMATES.

- Note:** 1. The number of beds for boys. The number of beds for girls. Total capacity.
2. The number of boys, the number of girls, and the total number present.
3. The number of public charges, the number of private charges.
4. The general ages of the children.
5. Is due attention given to securing a careful and sensible classification of the children?
6. What are the bases of classification and how far followed?
7. Whether the system of classification meets the needs of the children.

### V. SUPERVISION.

- Note:** 1. The frequency and regularity of meetings of the governing body.

2. The character and frequency of visits by officers and members of the governing body.
3. Other evidences of managers' interest.
4. The work of the important supervisory committees, executive, finance, visiting, house, admissions and discharges, etc. When they meet, how frequently they visit, etc.

#### VI. ADMINISTRATION.

- Note:*
1. The names of the superintendent, steward, housekeeper (matron), head teacher, and other officers, their previous experience elsewhere and length of service in this institution.
  2. The number of employees in each department.
  3. Any defects in management, such as failure to perform duties.

#### VII. PLANT.

- Note:*
1. The condition and suitability of the buildings and grounds.
  2. The suitability, condition and adequacy of the dining rooms and furniture.
  3. The suitability, condition and adequacy of the school-rooms and furniture.
  4. Suitability, condition and adequacy of dormitories.
  5. The kind and condition of beds.
  6. The condition, suitability and adequacy of the quarters of officers and employees.
  7. The condition and adequacy of the heating, lighting, ventilating, water supply and sewerage systems.
  8. The location, condition, equipment, adequacy and methods of work of the laundry. Examine the linen of the institution with this in mind.

#### VIII. FIRE PROTECTION.

- Note:*
1. Height and material of buildings and whether of fire-proof construction or not.
  2. Number and location of interior stairways and whether fireproof.

3. Number, location and construction of outside stairways and fire-escapes, and if same can be reached easily.
4. Fire alarm connection, and date of last inspection by local fire department.
5. Number and location of standpipes; length and condition of hose, and how often tested.
6. Number and location of portable fire extinguishers, hand grenades, fire pails, etc.
7. Organization and practice of fire drills.
8. Whether night patrol service is established with use of watchman's clock.
9. Protection given swinging gas jets and other heating or lighting fixtures in proximity to woodwork, etc.
10. Presence of rubbish, particularly in attics, cellars, etc., or of oils, inflammable liquids, etc., and care given to same.

#### IX. EDUCATION.

- Note:*
1. Whether the children attend the public school, the parochial school, the institution school or have no common school work.
  2. If the school is in the institution, the number of classes, the number of teachers, the number of pupils and the number of hours work given in each of the following departments:
    - a. Kindergarten.
    - b. Primary.
    - c. Grammar.
    - d. Manual training (girls, boys).
    - e. Industrial training (girls, boys).
  3. The studies taught and lines of work pursued in each department.
  4. The methods of teaching, adequacy and thoroughness of the work being done, etc.

#### X. PHYSICAL TRAINING AND RECREATION.

- Note:*
1. Whether the home has a gymnasium and an instructor.
  2. What facilities for recreation does the home provide?
  3. Number of volumes in library, the general character of the books and how much used.



**XI. HEALTH AND HYGIENE.**

- Note:* 1. Number of cases of contagious disease for a recent period of six months or a year.
2. Number of cases of non-contagious disease for a similar period.
3. Number of deaths for a similar period and the chief causes and numbers respectively.
4. The appearance of the children as regards healthfulness, their color, activity, etc.
5. The construction of the toilet rooms and how far privacy is secured.
6. Condition of toilet rooms and fixtures.
7. The oversight of bathing; who is in charge?
8. Whether an individual or multiple system of baths is used, and whether the baths are of the spray, shower or tub variety.
9. Condition of bath rooms and facilities, and whether roller or individuals towels are used.
10. Frequency of baths, and if the water is changed after each tub bath.
11. The individual children in respect to the care given their eyes, teeth and hands, the cleanliness of their persons and clothing, and the frequency with which their bed linen is changed.
12. Any crippled, defective or abnormal children, and ascertain the salient facts in their cases with a view to securing early attention for their difficulties and such special care or treatment as is needed.
13. Date of last inspection by board of health (local).

**XIII. COMPLIANCE WITH THE PUBLIC HEALTH LAW.**

- Note:* 1. Whether the physician's name and address are posted properly; also, whether his services are given gratuitously or not.
2. Whether there is individual examination of newcomers and certificates filed.
3. The maintenance and length of reception quarantine, and whether the physician always discharges inmates therefrom.

## CONSTITUTIONAL PROVISIONS, LAWS, BY-LAWS AND RULES. 705

4. Whether there is a monthly examination of children and premises, and if the reports thereon are properly filed.
5. Whether the beds are separated by passageways two feet in width.
6. Whether 600 cubic feet of air space per bed is found in the dormitories, or where less space is allowed, whether there are official dormitory permits properly posted.
7. Number of beds and cubic air space per bed allowed in such permits and the actual number of beds and cubic air space per bed.

### XIV. CLOTHING.

Examine a number of children as to their clothing and note the number so examined.

- Note:* 1. Condition and adequacy of clothing worn, neatness, suitability, repair, etc.
2. Kinds of underwear worn both in winter and in summer, and if supplied in full suits.
  3. Frequency of change and washing of underwear.
  4. Method of caring for day clothing at night and vice versa.
  5. Also clothing not being worn at time of inspection—"best clothes," articles in "clean clothes" rooms and closets and in the sewing rooms; also the supplies of clothing made up but not yet in use, and the material on hand.

### XV. RECORDS AND REPORTS.

- Note:* 1. Whether the visits of managers are recorded.
2. By whom the books of the institution are kept.
  3. Whether a record of disposition of supplies is kept.

### XVI. SPECIAL FEATURES OR MATTERS.

This heading is designed to afford opportunity for the discussion of such matters as cannot readily or properly be classified under the other headings—any unique features of the institution

or its management, unusual conditions, particular excellencies or defects, etc.

**XVII. NEEDS, CONSIDERATIONS AND RECOMMENDATIONS (IN ORDER).**

Under this heading the inspection and report should focus. The needs of the institution should be noted with much care during the inspection and stated in the report with clearness, completeness and yet with brevity so as to present a definite, illuminating and truthful picture to a person not familiar with the institution.

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